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**Reforming the Wasteland: Television, Reform, and Social Movements,
1950-2004**

Committee:

Janet Davis, Supervisor

Michael Kackman

Jeffrey Meikle

Julia Mickenberg

Thomas Schatz

Mark Smith

**Reforming the Wasteland: Television, Reform, and Social Movements,
1950-2004**

by

Allison Joyce Perlman, B.A.; M.A.

Dissertation

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Doctor of Philosophy

The University of Texas at Austin

August, 2007

Acknowledgements

In writing this dissertation, as throughout my graduate school career, I have been extremely lucky to have the support and encouragement of wonderful faculty. My supervisor, Janet Davis, continually has been a mentor, an advocate, and a role model. I have benefited tremendously from her insights and comments on my work, and I admire greatly her ability to be simultaneously critical and supportive, to maintain high expectations and standards while being compassionate and caring. While I am not sure if he sees them, Mark Smith's fingerprints are all over this dissertation. My interest in reform and social history in large part started with the courses I took with Mark, and this project owes a great deal to the conversations I have had with him both in and out of the classroom. Jeff Meikle long has exemplified for me what I think of as an American Studies scholar, and it often has been through conversations with him that I have felt most excited and proud to be a part of this field. I also have been very lucky to have worked with Julia Mickenberg, not only for her consistently insightful and brilliant comments, but also for her warmth and kindness over the years.

I often jokingly have blamed Tom Schatz for this dissertation. I took his "History of Broadcasting" course my first semester in graduate school, which fundamentally changed the way I thought about the study of media and popular culture. It would be hard to overestimate the influence that Tom has had on me, and it would be

hard to overstate how grateful I am for his continued interest in and encouragement of my work. My research and understanding of television has been strengthened enormously by having known Michael Kackman. Michael's passion for what he studies is infectious, and I have benefited a great deal from his vast knowledge, his sharp insights, and his generosity and kindheartedness.

Mike O'Connor has been my best friend pretty much from the first night we went out drinking after Bob Crunden's seminar for first year graduate students. His intelligence, conviction, humor, and integrity have been truly inspiring to me and I am without question a better and more thoughtful person for having been his friend. It is impossible to imagine how I would have gotten through graduate school and the last nine years in Austin without Mike by my side. Michele Solberg also has been one of my closest friends for many years, and both she and Mike have helped see me through the often frustrating and stressful moments of graduate school life. Michele's compassion, level-headedness, and kindness continually have astounded me and I am very lucky to have had her as my friend.

I am also very grateful to the graduate students in my two dissertation groups whose comments and support helped get me through this process. Janet Davis led a terrific group of primarily American Studies dissertators and I am thankful to Kim Simpson, Ed Donovan, Clint Starr, Carolyn Frick, Anna Thompson-Hadjik, Jason Mellard, John Gronbeck-Tedesco, and Vicky Hill for reading my work and sharing their own with me. I am especially indebted to Phil Tiemeyer and Amy Nathan, who were both exceptional friends and colleagues.

The Radio-TV-Film department at UT has been a second home to me, and I was extremely honored to be a part of a dissertation group with RTF graduate students. Some of my fondest memories of graduate school are of this group and it is hard to imagine

better readers, colleagues or friends than the people who were in it. I am grateful to Avi Santo, Kyle Barnett, Jen Petersen, Afsheen Nomai, Chris Lucas, Jennie Phillips, David Uskovich, and Craig Carson for their insights and generosity over the years. My project benefited directly from not only the conversations over my own work, but through having the opportunity to read and engage with theirs.

Thanks also go to a number of the graduate students in American Studies, some of whom have since graduated, whose friendship has meant a great deal to me. Bill Bush and I spent many hours on the couch of the Metro coffees shop talking about our interests and our research. He has been an intellectual ally for a long time and I admire not only his intelligence, but also his enthusiasm and his curiosity. I cherish memories of walking through downtown Austin with Jonathan Davis as we hashed out, among other things, the meanings and viability of new trends in American Studies scholarship. Joel Dinerstein has been a wonderful friend and mentor, and my conversations with him always reminded me why I wanted to go into American Studies in the first place. Matt Hedstrom similarly always challenged and inspired me and I am grateful to have had him as a friend. Holly Alloway has been a very close friend throughout my doctoral work, and I have been very lucky to have such a smart and witty person to support me throughout this process. There are many more graduate students in both American Studies and RTF who have been an important part of my intellectual community. I would like in particular to thank Amy Ware, Kimberly Hamlin, Angie Maxwell, Alexis Carreiro, Danny Gerling, Marnie Binfield, Alicia Barber, and Nadine Romig.

I participated in a seminar at Wayne State University in May 2006, “The Public Interest in the Digital Age,” led by Bob Avery and Thom McCain. This three-day course very much influenced the way I think about the relationship between media and society. Thanks go to Bob and Thom, the graduate students who participated in the seminar, and

Hayg Oshagan for the opportunity to be a part of this community and for the conversations and debates that took place that weekend. I also am very grateful to Steve Classen, John McMurria, and Jonathan Gray for their support, generosity and encouragement. I have felt very lucky and honored to have these individuals, whose work I greatly admire, take an interest in my research. Joshua Green has become a good friend and his wit, charm, and intelligence has helped me get through the final stages of this process.

I am very appreciative of John Konzol at the Western Missouri Historical Society who was incredibly kind in helping me find research materials for this project. Lee Sparks at the RTF media library not only has been a friend, but also has gone out of his way to help me find materials for both my research and my courses. Cynthia Frese and Lisa Jaskolka not only have been very helpful in translating the labyrinthine policies of the university, but have done so with kindness and patience.

I worked at the Undergraduate Writing Center for eight of the nine years I spent in graduate school at the University of Texas. It was an incredibly kind and humane work environment and has been one of the most important places for me as a graduate student at UT. Sincere, heartfelt thanks go to Scott Blackwood, Lisa Leit, Lisa Avery, Eliana Schonberg, Jodi Egerton, and Andy Jones for their friendship and for being such wonderful colleagues.

It was in a seminar with Richard Slotkin as an undergraduate at Wesleyan University that I decided to go into American Studies. My friends and classmates who I met at Wesleyan have supported me since I first discovered American Studies as a field, and have been my surrogate family for well over a decade. Many thanks to Maria Magana, Kevin Strait, Sabelo Narasimhan, Jennifer Kelly-Dewitt, Jessica Thompson, Courtney Cavallier, Mike Shen, Aaron Miller, Caleb Tucker-Raymond, Caroline

Cummings, and Ama Greenrose. Lisa Loeffler has known me since we were five years old, and her patience and kindness has sustained me for many years.

Finally, thanks goes to my family for supporting me throughout this process, even when they were not sure what American Studies is or why anyone would write a dissertation about television.

Reforming the Wasteland: Television, Reform, and Social Movements,
1950-2004

Publication No. _____

Allison Joyce Perlman, Ph.D.
The University of Texas at Austin, 2007

Supervisor: Janet Davis

Abstract: This dissertation examines the role of television reform within twentieth century social movements in the United States. Typically, scholars have examined the relationship between activists and television through the lens of media representation: how the mass media have depicted and defined social movements, and how activists have negotiated with the media that publicize their goals. This dissertation, in contrast, examines the role of media reform within social movements themselves. By investigating the television reform campaigns of civil rights activists, feminists, conservatives, the progressive left, and educational groups, this dissertation reveals how American reform movements have responded to an increasingly mass-mediated culture and have tried to mold television to reflect their moral and political beliefs. This dissertation explores not only the myriad ways activists have approached television reform, but illustrates how these campaigns have responded to changes in the television industry, broadcasting policy, and American culture more broadly. This dissertation also charts the rhetorical strategies that the reformers have used to legitimate their stake in

media policy and practices and to convince of the importance and power of the medium that they are trying to change. Television reform fights have been battles not only over television programming and policy, but over the meaning of television's role in American society.

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List of Abbreviations

ABC	American Broadcasting Company
ACUBS	Association of College and University Broadcasting Stations
AIM	Accuracy in Media
CBS	Columbia Broadcasting System
CPB	Corporation for Public Broadcasting
EEO	Equal Employment Opportunities
ETV	Educational Television
FAE	Fund for Adult Education
FCC	Federal Communications Commission
FRC	Federal Radio Commission
JCET	Joint Council (or Committee) on Educational Television
MRC	Media Research Center
NACRE	National Advisory Council on Radio in Education
NAEB	National Association of Educational Broadcasters
NAACP	National Association for the Advancement of Colored People
NARTB	National Association of Radio and Television Broadcasters
NBC	National Broadcasting Company
NCER	National Committee on Education by Radio
NETRC	National Educational Television and Radio Center
NOW	National Organization for Women
PBS	Public Broadcasting Service
PTC	Parents Television Council
UHF	Ultra High Frequency
VHF	Very High Frequency

Chapter One: Introduction

In a class on television and American culture, I showed my students the 1983 made-for-TV movie *The Day After*. The film was a meditation on the horrifying consequences of a nuclear attack between United States and the Soviet Union on a number of individuals living in or around Lawrence, Kan. When it premiered, the film had functioned as a cautionary tale against nuclear proliferation. For my purposes in the course, the film also countered the more conservative television programming common in the 1980s and provided us with an opportunity to discuss the made-for-TV movie format.

However, I also assigned the film because I wanted to see it myself. I was eight years old when ABC aired the movie and my father had not allowed me or my eleven year old brother to watch it. Pediatricians and psychiatrists had concluded that the violent scenes of the attack and the gruesome images of radiation poisoning on survivors could traumatize children and cause nightmares.¹ The film's make-up artist had examined film footage of survivors of the atomic attack on Hiroshima and, based on these images, tried to render the film's victims as realistically as possible; such images, medical professionals and parents feared, would be too difficult for children to see.² Though my father watched the program, my brother and I were banished from the living room that night, left to wonder what images accompanied the sound of the program that we could hear through our bedroom walls.

¹ Tom Shales, "Nightmare for a Small Planet: ABC's 'The Day After'," *The Washington Post*, November 18, 1983, sec. C1; Peter Perl, "The Day After: Nation Girds for Firestorm," *The Washington Post*, November 20, 1983, sec. A1.

² Stephen Farber, "How a Nuclear Holocaust Was Staged For TV," *The New York Times*, November 13, 1983, sec. 2:1.

Concerns over *The Day After* were not confined to its effects on children. While anti-nuclear groups embraced the film, political conservatives fought to keep it off the airwaves for fear that it would provoke a “public hysteria” against nuclear proliferation. Accuracy in Media, a conservative media watchdog group founded by Reed Irvine in 1969, sent letters to 450 potential sponsors to deter them from buying advertising time during the broadcast.³ Reverend Jerry Falwell threatened to organize a boycott of any company sponsor, while other groups demanded that ABC’s affiliates refuse to air the program.⁴ The network ultimately was able to strike a compromise; after the film, it aired a 45 minute panel debate about nuclear weapons, whose participants included former Secretary of State Henry Kissinger, former Secretary of Defense Robert McNamara, Secretary of State George Schultz, astronomer Carl Sagan, and *National Review* founder William F. Buckley

The public uproar over *The Day After*, now mostly forgotten, was but one instance of a much larger phenomenon that has existed concurrently with television itself. Since television emerged as a mass medium in the late 1940s, activists and social reformers have viewed it as a tool with tremendous power to shape the nation’s political and moral attitudes. In turn, they have launched campaigns that have targeted broadcasting policy, programming content, and station practices in order to reform television to better reflect their values. Though their reform strategies have varied, as have the specific goals of their campaigns, activists have shared the belief that television reform is central to achieve wider social change.

³ Sally Bedell Smith, “ABC Film Depicting Consequences of Nuclear Attack Stirring Debate,” *The New York Times*, October 6, 1983, sec. C25.

⁴ Perl, “The Day After,” A1; Tom Shales, “‘The Day’: Aftermath,” *The Washington Post*, December 4, 1983, sec. F1.

This dissertation examines the relationship between television reform and social movements in the second half of the twentieth century. Comprised of five distinct case studies of television reform campaigns, this dissertation charts the breadth of activist goals and strategies and illustrates how television reform has been an enduring part of projects for social change during this time period. Specifically, in this dissertation I examine the work of the National Association for the Advancement of Colored People (NAACP) in the early 1950s to remove derogatory depictions of African Americans from television programming; the efforts of educators and philanthropists in the 1950s and 1960s to reimagine television's social role outside of commercial broadcasts, culminating in the Public Broadcasting Act of 1967; the National Organization for Women's (NOW) campaign in the 1970s to pressure broadcasters to diversify their programming and to hire more women to positions of power; the activism of the Media Research Center (MRC), a conservative watchdog group that has charted "liberal bias" in mainstream news organizations since the 1980s; and the combined efforts of political progressives and conservatives in 2003-2004 to fight against the deregulation of media ownership.

The central concern of my project is to understand why activists consistently have turned to television reform as part of their campaigns for social change. How has television reform activism helped achieve larger social movement goals? In turn, how does this activism illuminate the importance of television in conceptualizing twentieth-century reform? In posing these questions, my aim is to rethink the relationship between television and social reform in the United States. Scholars long have acknowledged the role of television broadcasts in shaping public perceptions of social movements.⁵ They

⁵ For example, Sasha Torres has charted the mutually beneficial relationship between civil rights activists and emerging network news departments in the early 1960s, and Todd Gitlin has examined the often fraught relations between the New Left and television networks. See Sasha Torres, *Black, White, and In Color: Television and Black Civil Rights* (Princeton: Princeton University Press, 2003); Todd Gitlin, *The*

also have analyzed how changes in television programming—for example, the transformation of representations of minority characters--have mirrored shifts in American attitudes fostered by reform movements.⁶ In these works, the television screen has acted as a societal mirror, narrating the work of activists or documenting social change brought on by reform campaigns. In contrast, I argue that television itself has been a battleground within twentieth century social movements. My project illustrates how activists have tied the reform of television to the realization of a better society.

First and foremost, this dissertation tells a story of American social movements through the lens of television reform. Each of the activist communities under discussion here has asserted that social change in an age of mass media by necessity involves the culture industries. To borrow a phrase from the cold war, activists have insisted that reforming American society has required a battle for the “hearts and minds” of the polity--a transformation of the images and stories circulating within the culture. Material changes, in this view, can only be accomplished if accompanied by forms of cultural expression that accommodate or are sympathetic to the reformers’ vision of a better society. Consequently, this dissertation contends that television reform illuminates the unique predicament of social reform in the postmodern era, a time when the circulation of images and signs composes the basis of both epistemology and ontology—what constitutes knowledge and what forms the basis of our reality.

Whole World is Watching: Mass Media in the Making and Unmaking of the New Left (Berkeley: University of California Press, 2003).

⁶ In this area, scholars have traced how representations on television have shifted alongside social changes. There is a tremendous amount of scholarship that examines television through this lens. A few examples: J. Fred MacDonald and Donald Bogle examine how images of African Americans the continuities and variations in depictions of African Americans and situate their readings within social history. Bonnie Dow, in her examination of feminists and television similarly contextualizes the transformations of images within a broader conversation over feminism in the U.S. See J. Fred MacDonald, *Blacks and White TV: African Americans in Television Since 1948* (Chicago: Nelson-Hall Publishers, 1992); Donald Bogle, *Prime Time Blues: African Americans on Network Television* (New York: Farrar, Straus, & Giroux, 2001); Bonnie Dow, *Prime-Time Feminism: Television, Media Culture, and the Women’s Movement Since 1970* (Philadelphia: University of Pennsylvania Press, 1996).

I have chosen these specific case studies because they illustrate both the continuities and variations amongst television reformers. My case studies cover television reform campaigns from each decade since TV's arrival in American homes, and they illustrate not only the persistence of television reform within social movements, but also the shifting strategies employed by citizens' groups as they have adapted to the new political climate and challenges of their era. In addition, the activists have had different political and social objectives; this dissertation demonstrates that the desire to reform television has fired the imaginations of a wide array of activists groups and has not been the purview of a particular political ideology. Furthermore, each of the activist groups has used different means to achieve its reform objectives; in the case studies I chart the myriad ways that activists have tried to reform television through economic, political, or cultural pressures.

To be sure, these activists are television *reformers*. They have not sought to transform the television industry radically, to convince others to "kill their TVs," or to create an alternative media. Rather, they have worked within structural and legal frameworks to reshape and redirect existing institutions and practices. This emphasis on reform speaks to the middle-class orientation of the activist groups under discussion. Though they frequently have had different political and social objectives, these activists have embraced a middlebrow worldview that believes in the possibilities of social mobility and change, the sanctity of individual rights, and the essential soundness of the structural arrangements that govern American institutions. The activists furthermore have had clear reform goals, an institutional structure that enables effective reform activity, and the financial resources to see through activist campaigns.⁷

⁷ Omitted from my narrative are grassroots organizations and activists committed to a radical, rather than reformist, political agenda. In choosing my subjects, I do not intend to valorize reformers over radicals, to suggest that these groups constitute the more significant activist community, or to imply that television

The television of this dissertation is over-the-air broadcast television. While cable television--in the form of community antenna TV (CATV)--is nearly as old as broadcast television, the activists at the center of this dissertation have targeted their reform activities toward broadcast TV. The key difference between broadcasting and cable, from a regulatory perspective, is that they utilize different distribution systems: broadcasts initially came over publicly-owned airwaves, cable programming over terrestrial cables.⁸ Broadcasting policy has hinged on the responsibilities of broadcasters to the public because of their use of a scarce public resource. When the FCC turned to cable regulation in the 1960s, it initially was unclear how to define cable and how to shape the contours of the policy that would regulate it. Some saw it as an expansion of broadcast television and imagined that it would be subject to analogous public interest requirements; others saw it as a common carrier—like the telephone or telegraph—under which regulations would ensure equality of access and participation. Ultimately, however, cable regulation has operated under neoliberal principles that overwhelmingly have defined cable as a private enterprise with few obligations to the television public.⁹

reform solely has been a middle class concern. I have focused on these groups because, in this historical and cultural context, they have had the greatest fighting chance at realizing their objectives. For this initial study, I hoped to analyze activists who both broadcasters and regulators would recognize as legitimate stake-holders in television reform. To be sure, this focus limits the scope of the conclusions I can draw from my analysis.

⁸ Though later both systems would use different methods of transmission, notably microwave relays, satellite, and digital signals.

⁹ I owe many thanks to John McMurria for his generous feedback on the development of cable policy and the distinctions between broadcasting and cable regulation in the United States.

Community Antenna Television systems served populations outside of the reach of broadcast signals; viewers would receive imported broadcast signals over terrestrial signals. The development of what we now think of as cable begins in the 1960s as cable providers looked to expand the services they could provide to consumers and the FCC began placing restrictions on the development of cable, often in the service of protecting broadcasters. In 1968, the Supreme Court gave the FCC the authority to regulate cable and the commission solicited comments from cable operators, broadcasters, and the public to help map their cable rules. In 1972, the FCC established rules that, among other provisions, required cable systems to carry the local broadcast signals aired in their markets (“must carry rules”); in certain large markets to provide space to public, educational, or government stations; and to respect quotas set by the commission on how many local and distant signals a system could import and on the kind of content it

Broadcast television not only has operated under a different regulatory structure, but also has played a unique role in the social imaginary. Activists continually have ascribed to broadcast television the power to provide a shared national experience and to define who matters within the public sphere. Significantly, this understanding of television has spanned its history. The NAACP first monitored television programming in the late 1940s, when its reach was incredibly limited. The MRC and the media ownership activists agitated for broadcast television reform in a post-network era, when the rise of cable, home video, and later the Internet substantially reduced the hegemony of broadcast television. Yet activists continually have imagined broadcast television as the nation's electronic public square, even when this role has been simply nostalgic or illusionary. The persistence of this view points to broadcast television's symbolic power within American culture and demonstrates why television reform activism continually has played a role in social movements.

By focusing on television reformers, I do not imply that the medium of television is singular in its attention from public interest reformers. The history of American entertainment is also a history of public interest campaigns to protect audiences from the potentially harmful impact of popular culture. Film and radio elicited public concern, for example, from the religious activists who sought to sanitize racy pre-Code Hollywood films to the middlebrow moral guardians who sat on listener councils to monitor early

could air. In the 1980s, many of these restrictions—especially those related to content and those designed to protect the interests of broadcasters—were repealed. In 1984, Congress passed the Cable Communications Act which formally gave the FCC jurisdiction over cable. The act gave local and state governments the power to award franchises and to determine the qualifications necessary for systems to be awarded local franchises. It placed limitations on the amount that can be charged for a franchise fee, prohibited broadcast/cable cross-ownership, and put franchise renewal in the hands of local municipalities. The 1996 Telecommunications Act largely deregulated cable. See Megan Mullen, *The Rise of Cable Programming in the United States: Revolution or Evolution?* (Austin: University of Texas Press, 2003), 62-77; Erwin G. Krasnow, Lawrence D. Longley, Herbert A. Terry. *The Politics of Broadcast Regulation* (New York: St. Martin's Press, 1982), 25-27; Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996), 178-179.

radio programming.¹⁰ I emphasize television reform because television's pervasive and influential role in American life. As James Baughman notes, by the mid-1950s "most of the older mass media accepted the obvious: TV had won the war for the largest share of time Americans spent consuming the mass media."¹¹ Douglas Kellner concurs that, by the 1960s, television functioned as the primary medium that unified the nation as it "bound the country together in rituals of national mourning and national drama, and demonstrated that it was now the new national force."¹² Television has been the crucial form of mass communication of the latter half of the twentieth century. The medium's location in the home, the immediacy and liveness of its broadcasts, and its national reach combined to establish television's unique cultural power and its function as a primary site of public discourse.

Television has been a site of a national public culture, where what it means to be member of the public is articulated and made visible. It instantiates images of citizenship and political behavior, and also creates the shared texts that bind audiences as part of a national community. It has been part of the intimate and mundane rituals of everyday life, and it has provided the stories and images that contribute to our understanding of ourselves within our social world. Television not only displays for us how to behave,

¹⁰ The monitoring of motion pictures is just about as old as movies themselves. As Lary May illustrates, censorship boards arose as early as 1909 when the National Review Board formed in New York to review and censor films. Perhaps more importantly, Hollywood studios adopted a Production Code to regulate the content of its pictures in 1930; the Production Code Administration, developed to enforce the Code, formed in 1934. Though myriad pressures convinced the studios to self-censor, the activism of Catholic groups and children's welfare activists played a central role. The Motion Pictures Association of America replaced the Production Code in 1968 and adopted in its stead a ratings system. See Lary May, *Screening Out the Past: The Birth of Mass Culture and the Motion Picture Industry* (New York: Oxford University Press, 1980), 54-60; Gregory D. Black, *Hollywood Censored: Morality Codes, Catholics and the Movies* (Cambridge: Cambridge University Press, 1994). Radio listener councils of the 1930s functioned in an advisory capacity to stations, often in the service of ensuring proper moral standards for programming. For a discussion of radio councils, see Donald Guimary, *Citizens' Groups and Broadcasting* (New York: Praeger, 1975), 19-32.

¹¹ James Baughman, *The Republic of Mass Culture: Journalism, Film and Broadcasting in American Since 1941* (Baltimore: The Johns Hopkins University Press, 1992), 59.

¹² Douglas Kellner, *Television and the Crisis of Democracy* (Boulder: Westview, 1999), 49.

look, dress and speak but also--through the stories it tells--provides us with the discursive frames to understand the relationship between the individual and society, the role of institutions, the values that form the foundation of our moral code.¹³ It contributes to how we think of ourselves as political citizens *and* as cultural citizens, shaping the parameters of how we construct both identities.

It is therefore unsurprising that television reform has played a role in social movements. Fights to reform television fundamentally have been battles over American society itself. In defining the “problem” of television, activists in essence have rearticulated the central critique of American culture that has motivated their wider reform activities. For the NAACP, the problem with television was its use of denigrating images of African Americans that bolstered and legitimated forms of economic, social, and political discrimination; for educators and philanthropists, the problem with television was that it contributed to—rather than worked against—the educational crisis sweeping the nation in the postwar period; for NOW, the problem with television was that it duplicated, in its programming and its hiring practices, the marginalized role of women in American society; for the MRC, the problem with television was that it perpetuated a liberal worldview and silences conservative voices; for the 2003 media ownership activists, the problem with television was that it diminished diversity and impedes the functioning of a healthy democracy. For each of these communities, in other words, television has functioned as an emblem of what is wrong in American culture, and its reform as an opportunity to change American society.

¹³ The two works that, in my opinion, best address this role is John Hartley’s chapters on cultural citizenship and DIY citizenship in *The Uses of Television* and Horace Newcomb and Paul Hirsch’s foundational essay “Television as Cultural Forum.” See John Hartley, *The Uses of Television* (London: Routledge, 1999); and Horace Newcomb and Paul Hirsch, “Television as a Cultural Forum,” in *Television: The Critical View*, 6th ed., ed. Horace Newcomb (New York: Oxford University Press, 2000), 561-573.

Television reformers, furthermore, have contributed to the discursive construction of television—of what television *is* and how to understand its social role. In my analysis, I examine how reformers define television—cultural forum, political soapbox, disseminator of stereotypes, brain-rotting entertainment, hazard to children, tool of corporate capitalism, and so on—and how they understand its impact on viewers. The activist campaigns have functioned both as acts of protest against, and simultaneously as opportunities to define, the object of their reform. This dissertation charts the rhetorical strategies that the reformers have used to persuade not only of their own stake in media policy and practices, but to convince of the importance and power of the medium that they are trying to change. In sum, I show that television reform fights are battles not only over television programming and policy, but over the meaning of television itself and how collectively we should understand its role in American society.

SOCIAL MOVEMENTS, TELEVISION, AND REFORM

Close to three thousand people attended the third National Conference on Media Reform, held in Memphis, Tenn. in January 2007. Activists, academics, policy-makers, legislators, celebrities, filmmakers, and concerned citizens gathered for three days to outline organizing strategies, discuss policy issues, learn about current media reform issues, and participate in a community with a shared sense that something is terribly wrong with media practices and programming. And while many of the organizations represented at the conference were formed primarily as media reform organizations, many others used media reform as a means to another end. For civil rights activists, feminists, anti-war protesters, and child welfare activists media reform was a necessary part of their bigger agendas: to battle sexism and racism, to end the war in Iraq, and to

create an environment hospitable to raising healthy children. Social reforms were tied inextricably to media reform, the creation of a better society contingent on changing the media. As this dissertation argues, this relationship has deep historical roots: television has played a role in reform movements from the 1950s to the first decade of the twenty-first century.

Previous scholars generally have pointed to two epochs of broadcast reform. During the first, from 1928-1934, a coalition of educators, intellectuals, church organizations, labor groups, and private foundations worked to change the direction of broadcasting policy in the United States. The federal government had regulated radio since 1912, when Congress gave the Commerce Department the authority to license users of the electromagnetic spectrum. Fifteen years later, Congress passed the Radio Act of 1927 which established a temporary agency, the Federal Radio Commission (FRC), which was charged with granting broadcasting licenses to applicants who could best serve the “public interest, convenience, or necessity.” The FRC, in granting licenses and allocating frequencies, favored commercial radio stations, especially those owned or affiliated with emerging national radio networks. Emerging from this policy was a system of broadcasting that side-lined or ignored groups who had been involved with radio for years, but who existed outside of the industry that was forming at this time, such as labor unions, political groups, and educators. In addition, this coalition of activists feared that commercial stations would squander the potential of broadcasting, shunting aside edification for entertainment, quality for popularity. The goal of this early broadcast reform movement was to change the basis for broadcasting policy so that multiple communities could have access to the airwaves and to prevent the dominance of commercial networks. When Congress passed the Federal Communications Act in 1934, which was almost a word-for-word repetition of the 1927 Act, it marked the failure of the

broadcast reform movement to achieve the changes it sought.¹⁴ The policies mapped in these acts for radio would later apply to television.

The second notable period of broadcasting reform, according to scholars, was in the late 1960s and 1970s. In *United Church of Christ v. FCC* (1966), a U.S. Court of Appeals reversed a long-standing policy and ruled that members of the broadcasting public have legal standing to participate in administrative hearings, in particular in the license renewal process. Activist groups across the country filed petitions with the FCC to deny license renewals of stations that failed to meet the needs of their communities. Understanding that the politics of representation was a crucial part of civil rights struggles, public interest groups used the petition-to-deny to pressure or threaten broadcasters to change both their programming patterns and employment policies. This period of media activism all but disappeared by the end of the 1970s. Petitions-to-deny were costly to activist groups already stretched thin financially and, by this time, it became clear that though activists had the legal right to file petitions, the FCC rarely failed to renew a license because of one.¹⁵

One of the goals of this dissertation is to examine television reform as a continual practice, rather than something limited to brief historical windows and inspired primarily by external actions of the state (in the first era, the drafting of broadcasting legislation; in

¹⁴ The seminal work on this subject is Robert McChesney's *Telecommunications, Mass Media and Democracy: The Battle for the Control of U.S. Broadcasting, 1928-1935* (New York: Oxford University Press, 1993). McChesney points to myriad reasons why this campaign failed, and emphasizes the lack of unity amongst the activists and the public relations campaign that the networks launched in retaliation in which they defined commercial, "free" broadcasting as quintessentially American. At the end, he suggests that after the failure of this movement, no substantial challenge to American broadcasting has been brought.

¹⁵ See Krasnow, Longley, and Terry, 55-57; and Kathryn Montgomery, *Target: Prime Time: Advocacy Groups and the Struggle Over Entertainment Television* (New York: Oxford University Press). For detailed histories of the *United Church of Christ* case see Kay Mills, *Changing Channels: The Civil Rights Case that Transformed Television* (Jackson: The University of Mississippi Press, 2004). Steve Classen's *Watching Jim Crow* provides an account of civil rights struggles over television in Jackson (which culminated in the *United Church of Christ* Case). See Steven D. Classen, *Watching Jim Crow: The Struggles Over Mississippi TV, 1955-1969* (Durham: Duke University Press, 2004).

the latter, a court decision redefining what constituted legal standing). Activists have been flexible in their approaches to television reform and have responded to shifting industrial conditions and regulatory climates in mapping their reform strategies. While many of the activists here used political channels for reform—proposing legislation, filing petitions with the FCC, and bringing lawsuits against regulators and broadcasters—other reform efforts have involved consumer boycotts or campaigns to shift public perceptions of the media. Perhaps more importantly, by focusing on a wide range of reform campaigns, this dissertation shows how activists consistently, rather than sporadically, have implicated television in their fights for wider social reforms. This corrective is more than academic. By constructing this narrative, this dissertation fundamentally rethinks not only what constitutes television reform, but how to understand its purpose. Specifically, it shifts the focus of television reform off of the medium itself and onto how television reform activities have been mobilized by social movements. Much like the participants at the National Conference on Media Reform, activists have looked to television reform not primarily as a way to transform the medium, but as a way to meet their broader reform objectives; changing television was put to the service of achieving other goals.

By placing television reform at the center of a discussion of reform communities, this dissertation exposes the political importance of mediated images to the success or failure of the social movements themselves. As the mass media have become increasingly more pervasive in American life, activists have reasoned that a key to social reform lies in the transformation of American popular culture. As activists have made civil rights claims as members of broadcasting publics, they have restructured the contours of what political rights look like in a mass-mediated society. Within this

framework, the fight for responsible images and narratives has joined claims for economic opportunities and political equality.

My study of television reform campaigns also complicates how historians have characterized political activism in the second half of the twentieth century, in particular the relationship between reform and consumerism. Lizabeth Cohen, in *A Consumer's Republic*, has argued that the distinction between “consumer” and “citizen” often disappears in postwar America. Though the model of the consumer-citizen has taken many forms, perhaps most salient for this project is the way that activists have pursued political goals through consumer pressures. Political and economic behaviors in the consumer's republic thus become blurred, as economic choices take on political consequences, and consumerism is recast as patriotic behavior. One of Cohen's interventions is to illustrate how consumerism factors into the political landscape of the postwar era and to break down the rigid binary between the consumer and citizen that often animates discussions of political economy.¹⁶

For Cohen, television as a commercial medium intensified the postwar emphasis on consumerism and, as a consequence of its reliance on advertising, conflated audiences with markets or niches to sell goods to. Like radio before it, television exacerbated the importance of consumerism to the vision of the good life and instructed Americans to see themselves and their identities tied to their consumer choices. Kathy Newman similarly has argued that as commercial radio stations constituted their listeners as consumers, they simultaneously showed audiences that acts of consumption could exert tremendous social and political influence. She illustrates how listeners—primarily women—mobilized this

¹⁶ Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books, 2003).

power to protest advertising excesses generally, and commercial radio specifically.¹⁷ Like Cohen, Newman argues for a politicization of consumerism and shows how consumer activism has functioned as an effective way to influence American institutions. Commercial broadcasting has played a central role in this development.

Television reform, on the one hand, fits nicely into Cohen's framework of the consumer's republic. Broadcasting reformers have drawn on these competing identities, consumer and citizen, in their efforts to transform television. Some of the instances of reform battles, like the NAACP's battle against *Amos 'n' Andy*, take the form of consumer protest. These protests show not only the deep connection posited between what we watch and the viewpoints that hold sway culturally and politically, but to the power of consumers to transform the visual iconography and stories told on its screen. Additionally, activists have used legal and regulatory means to transform objects of consumer society, specifically television shows and advertisements. In this, television reform efforts are part of a wider shift chronicled by Cohen toward the citizen-consumer and the porousness between economic choice and political activity. As social movements have enlisted television reform as part of their wider social justice campaigns, they simultaneously have attested to the politicization of consumer culture.

However, as many of the case studies here illustrate, television reform battles were often opportunities to protest, rather than to exploit, the commercial underpinnings of broadcasting. Many television reformers have connected commercialism to a denigrated form of culture, and have recast television as a medium that could ennoble individuals, enlighten citizens, and eradicate social inequalities if only it could detach itself from consumer society. If, as Cohen argues, mass consumption characterizes post-

¹⁷ Kathy M. Newman, *Radio Active: Advertising and Consumer Activism, 1935-1947* (Berkeley: University of California Press, 2004).

war American life, then television reform battles mark moments of contestation and conflict over the consumers' republic itself. Many activists have used television reform to disentangle citizenship from consumerism. Redefining the relationship between broadcasters and audiences as political, rather than economic, activists have looked to television reform as a way to assert their membership within the civic body and to redirect broadcasters to prioritize their legal obligations to their communities, rather than their economic obligations to their sponsors.

TELEVISION, PUBLIC POLICY, AND THE PUBLIC

Television in the United States, like radio before it, sits at the intersection of politics and economics, citizenship and consumerism, the private and the public, the local and the national. The vagaries of American broadcasting policy, beginning with the regulation of radio, has contributed to the complex place of television within American culture and has structured how we understand its social role. Importantly, broadcasting policy has been both constraining and enabling for television activists. Throughout the dissertation, I stress broadcasting policy because of its important role in shaping the possibilities of television reform and because of its contribution to how broadcasters, regulators, and activists have constructed the relationship between television and the public.

Dating back to the Radio Act of 1927, Congress determined to retain public ownership of the airwaves and license their use to private entities. The broadcasting license has been a fundamentally local contract; broadcasters' responsibilities have been to serve the local community reached by their broadcast signal. The Federal Communications Commission (FCC), since it was formed in 1934, has had the power to

grant, renew, or revoke a license based on whether a licensee or applicant capably could serve the “public interest, convenience, and necessity.” Echoing directly the language of the public utility legislation of the Progressive Era, the Radio Act of 1927 and the 1934 Federal Communications Act put broadcasting squarely in the legislative tradition of industries tied to the maintenance of the “common good” or the “public interest,” or as particularly central to the successful functioning of society. Thus broadcasting, according to Congress, was to be a fundamental part of American life, so fundamental that it merited federal regulation much like railroads, electricity, telephony, and telegraphy.¹⁸ However, what exactly the “public interest” meant in this context and how regulators should determine whether it has been served would be contentious issues for the duration of broadcasting history.

Initially, regulators decided that commercial stations, especially those owned or affiliated with national networks, best satisfied the public interest requirement of American broadcasting policy. The result has been a broadcasting system dominated by national networks, though regulated at the local level. It is also a system in which private broadcasters support themselves through advertising, selling audiences’ “eyeballs” to sponsors, yet who have the legal obligation to serve the “public interest” as a condition of their broadcasting license. Broadcasters technically have had to address their audiences simultaneously as citizens and consumers: as the sponsors’ eyeballs and as the legitimate owners of the airwaves through which they send their broadcast signal. Though often part of a national network, they also have had a primary responsibility to local audiences.

¹⁸ I am drawing here on Robert Britt Horwitz’s important work, *The Irony of Regulatory Reform: The Deregulation of American Telecommunications*. Horwitz thoroughly documents the development and dismantling of regulatory bodies and the attending redefinitions of the public interest and of the relationship between the state, the public, and industry. The irony, as Horwitz illustrates, is that deregulation ultimately served the same function as regulation: to bolster and stabilize economies of scale. See Robert Britt Horwitz, *The Irony of Regulatory Reform: The Deregulation of American Telecommunications* (New York: Oxford University Press, 1989).

These tensions--television's status as a regulated industry, yet one simultaneously enmeshed within consumer culture and its function as a national medium, yet one that first and foremost is responsible to local audiences—have made television an important and attractive site of reform activity.

Fundamentally, broadcasting policy positions the public as audiences of,--rather than producers or participants in--broadcasting. As media scholars have argued for decades, it was broadcasting policy that created and solidified this arrangement; some of the early experiments with radio had imagined it as a highly democratic and participatory medium.¹⁹ Of central importance to this dissertation, however, is how activist groups have drawn on their status as publics and have used political channels to alter programming, policies, and practices of broadcasters. While reform campaigns have responded to shifts in regulatory climates, and the redefinition of the public interest that has accompanied them, activists continually have centered their rhetoric on citizenship claims—claims legitimated and encouraged by the very basis of broadcasting policy. Furthermore, broadcasting policies, laws, and court decisions have provided openings to activists for their reform campaigns and have given them specific tools to challenge the practices of broadcasters. Activists have participated in the policy arena both by reconstituting the public and the public interest and by using law and policy to achieve specific reform objectives.

This dialogue, between members of the public and the state, often has been omitted in scholarly work on the history of broadcasting policy and regulation. In analyzing how regulators, legislators and the courts have defined the “public interest,” some scholars have characterized the FCC as a “captured” agency--a shill for the

¹⁹ The key work on this subject is Susan Douglas, *Inventing American Broadcasting, 1899-1922* (Baltimore: Johns Hopkins University Press, 1987).

industry it was created to regulate, sidelining or ignoring the interests and needs of the public itself. For others, Congress has hampered the good intentions of the FCC and has obstructed the commission's attempts to regulate broadcasters.²⁰ What unites many of these narratives is a shared conviction that broadcasting policy has served the interests of the broadcasting industry, thus leaving the public vulnerable and unprotected. This dissertation shows how members of the public also have functioned as actors within the policy arena. Broadcasting policy has provided activists with both a discursive frame to guide their reform campaigns, and the rhetorical legitimacy to wage the battles in the first place. Furthermore an implicit, and sometimes explicit, premise of much of this scholarship is that a fundamental tension exists between the corporate interest and the public interest. Significantly, my work illustrates the limitations of this binary to understanding how publics have approached the object of reform and their relationship to it.

Thomas Streeter's *Selling the Air* provides a crucial framework to understand the relationship between the state, the broadcast industry, and the public. Streeter defines broadcasting policy as a set of social practices, television itself as a "legal inscription on technology."²¹ The parameters of broadcasting policy are not natural or determined by technological considerations, but result from a set of assumptions by policymakers, people who Streeter maintains form an interpretive community. The interpretive community at play here includes members of the FCC, lawmakers, and judges. Historically, this interpretive community has viewed broadcasting through the lens of corporate liberalism. Liberalism, with its emphasis on the autonomy of the individual and

²⁰ See Frank L. Baird, "Program Regulation on the New Frontier," *Journal of Broadcasting* (Summer 1967): 231-243; James L. Baughman, *Television's Guardians: The FCC and the Politics of Programming 1958-1967* (Knoxville: The University of Tennessee Press, 1985); William B. Ray, *FCC: The Ups and Downs of Radio-TV Regulation* (Ames: Iowa State University Press, 1990).

²¹ Streeter, 3.

the sanctity of private property rights, fundamentally sees a division between the free-acting individual and the demands of the social; the corporation, predicated on the pooling of private interests, disrupts this distinction. Corporate liberalism developed as a strategy to reconcile this tension. If the property rights of the individual are sacrosanct under classical liberalism, market protections for the corporation become central to corporate liberalism. The individual is reconceptualized as the consumer, whose wants and needs could best be met by a stable, efficient, technologically advanced industry. The role of the state becomes to facilitate and enable the creation of these conditions. In this schema, the interests of the public not only are *not* odds with the interests of industry, but can be accommodated by the workings of a corporate capitalist structure; as such, the role of the government is to find a path that harmonizes the needs of the public with those of industry.²² For Streeter, corporate liberalism is not a totalizing ideology, but a way in to foreground how meaning and discourse have shaped the development of American broadcasting.

Television reformers often have accepted the premises of corporate liberalism. Though their campaigns have tried to alter particular practices or policies, in the process they often have legitimated and naturalized the very structure of American broadcasting. In other words, in engaging in television reform they often have joined the interpretive community of policy-makers and have conceived of their reform objectives in keeping with the basic premises of corporate liberalism. Thus activists have challenged official definitions of the public and the public interest, yet have done so within a framework that reifies the basic structure of American broadcasting.

Importantly, reform groups continually and diligently have rearticulated a definition of the public interest in line with their social reform goals. This point is

²² Streeter, 31-38.

crucial. When the activists have made claims that the public interest has not been served by broadcasters, they typically have defined the public interest as their own interest—in line with the goals and objectives of their reform community. I do not suggest that their model of who composes the public or their definition of the public interest is more legitimate or representative than that of regulators or legislators. Indeed, a premise of my work is that the “public interest” is a discursive construction, not something that actually exists or is discoverable. To evoke the public interest has been to engage in an important and strategic discourse that is both legitimating and effective, but also to articulate one’s own interests and vision of what the public’s interest should be.

From a legal perspective, television stations are guardians of the public interest; from a broader cultural perspective, television also has functioned as a public sphere. In his *The Structural Transformation of the Public Sphere*, Jurgen Habermas argues for the existence of a public sphere—a realm of rational-critical debate amongst members of the public set apart from the political institutions (the state) or economic relations (the market) where democratic deliberation takes place.²³ Habermas links the rise of print culture and the transformation of the economy that developed concurrently with it to the ascent of the public sphere in Europe. Pamphlets, books, coffee shops, debates—these were the foundations of Habermas’s ideal public sphere. The Habermasian public sphere is not a place or site, but rather a process: it is the act of participating in conversation with other members of the public.²⁴ According to Habermas, its structural transformation

²³ Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, translated by Thomas Burger with the assistance of Frederick Lawrence (Cambridge: The MIT Press, 1998 [1962]), 27-57.

²⁴ There is a tremendous body of scholarship critiquing Habermasian public sphere theory on multiple fronts. For some, for example, Habermas’s definition neglects to take into consideration the gendering of public and private spaces and, in turn, conceives of the public sphere in fundamentally masculinist terms; for others, Habermas’s emphasis on rational-critical discourse neglects the role of affect and emotion in the processes and conversations amongst publics; still others object to his historical comparisons, especially as they romanticize the seventeenth and eighteenth centuries and unduly vilify the twentieth. See especially Craig Calhoun, editor, *Habermas and the Public Sphere* (Cambridge: MIT Press, 1992).

takes place with the rise of the mass media, as the lines that divide the public and the private, state and society, begin to blur and the means of communication are absorbed within large-scale corporate structures.

Numerous scholars have salvaged twentieth century mainstream media as an operable public sphere. Though media like television are deeply implicated in both the state (regulation) and the market (commercialism), they operate culturally and politically much as the pamphlets and coffee shops of Habermas's ideal public sphere: they provide the basis for the conversation between citizens that Habermas identified as crucial to the operation of the public sphere. For example, Peter Dahlgren writes, "If publics emerge in the discursive interaction of citizens, then audiences (that is to say, the position of being an audience member) should be realistically seen as a moment, a step in the process of being a member of the public."²⁵ He clarifies, "The 'publicness' can be said to emerge in the social practices which emanate beyond that interface."²⁶ Thus it is the social role of television, not just the content of its texts, which for Dahlgren positions it as a site of public activity. Television programming becomes the launching pad for the conversations, discussions, and debates amongst citizens that form the basis of the contemporary public sphere.

Each of the television reform campaigns has begun with the premise that the activists and their interests have been omitted from the public sphere. To borrow from Engin Isin's model of citizenship in *Being Political*, television reform campaigns have been moments when activists have become publics. For Isin, the definition of citizenship, of who belongs within a national community, always has had an accompanying construction of the excluded. The process of being political begins when

²⁵ Peter Dahlgren, "Introduction," in *Communication and Citizenship: Journalism in the Public Sphere in the New Media Age*, ed. Peter Dahlgren and Colin Sparks (London: Routledge, 1991), 17.

²⁶ *Ibid.*, 17.

people who exist outside the category of the citizen make public claims for citizenship, and in the process expand and redefine conceptions of citizenship. To be political is at once to claim civic membership while acknowledging one's own outsider status.²⁷ To extend Isin's framework, to be a public is to claim one's status as an important voice in the public sphere while simultaneously illustrating one's silence within it. Television reform continually has been a performance, as well as an interrogation, of what it means to be a public and implicitly has exposed the limitations of television's role as arbiter of public culture.

DEFINING TELEVISION AND ITS AUDIENCE

For activists, television has played and continues to play an integral role in American social and political life. They have viewed television as a site of where identities have been constructed, the parameters of political debate have been determined, the creative and imaginative lives of audiences have been fired or dimmed. In this regard, they have joined in a cultural discussion over the role of television in American society that has existed concurrently with television itself. This conversation has focused both on how we should define what television is and on how to understand its impact on audiences and American institutions. Importantly, the way that activists have answered these questions both has drawn on and has countered existing discourses about television. In addition to the legal discourse on television—as mapped through policy, law, and court decisions--activists have engaged with two dominant ways of thinking about television: television as mass culture and television as “boob tube.”

²⁷ Engin F. Isin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002).

Though television made its debut in 1939 at the World's Fair in New York, it was not successfully launched as a mass medium until after World War II. By the early 1950s, nearly one-quarter of all American households had television sets; by the end of that decade, well over ninety percent. However, television's social role was already the topic of numerous tracts and articles in the late 1940s, a time before it had come to dominate American popular culture. Predictions of critics ranged from the immensely utopian to the starkly pessimistic and anticipated the parameters of how television's social role would be defined. For some, television would strengthen communities, expose people to things they had never seen before, and ultimately bring about world peace.²⁸ For others, it would intensify the trend begun by radio to commercialize and commodify forms of cultural expression.²⁹ Critics cast television's impact in grandiose terms; though the nature of its influence was the subject of debate, its potential to alter radically the social and political life of the country seemed certain to many individuals.³⁰

Critics have enlisted television in part of a wider critique of mass culture, one which crystallized after World War II but continued to resonate for decades to follow. Theodor Adorno and Max Horkheimer of the Frankfurt School perhaps best articulate this viewpoint in their essay on the culture industries in *The Dialectic of Enlightenment*.

²⁸ Perhaps the most ambitious and excited prediction about television is Thomas Hutchinson's *Here is Television, Your Window to the World*. Hutchinson, who was an engineer for the DuMont network, in his preface suggests that television will not only bind communities together, but will ultimately bring about world peace. In *Make Room for TV*, Lynn Spigel illustrates how early television advertisements similarly, though less ambitiously, positioned television as an instrument that will bring family and friends together. See Thomas Hutchinson, *Here is Television, Your Window to the World* (New York: Hastings House, 1946), ix-xi; Lynn Spigel, *Make Room for TV: Television and the Family Ideal in Postwar America* (Chicago: University of Chicago Press), 36-72.

²⁹ For example, Jack Gould, the radio and television critic for the *New York Times* for many years, was deeply suspicious of television. See Jack Gould, "Television Boon or Bane?" *The Public Opinion Quarterly* 10.3 (1946): 314-320.

³⁰ This optimism and pessimism is in line with how other forms of mass media had been received in American culture. Daniel Czitrom's analysis of the telegraphy, motion pictures, and radio illustrates how new media technologies continually have inspired utopic fantasies and dystopic anxieties. See Daniel Czitrom, *Media and the American Mind From Morse to McLuhan* (Chapel Hill: University of North Carolina Press, 1982).

Adorno and Horkheimer situate the culture industries within the Fordist shift to mass production; the culture industries, in other words, bring culture into the same destructive process of industrialization. According to Adorno and Horkheimer, the products of the culture industries resemble life closely enough, but structure our understanding of the world in keeping with ideas that support the power structure in society. They create wants and desires consonant with capitalist values, and inculcate these values within their audiences. Mass culture, in this framework, creates a mass audience that is unable and unwilling to resist the unequal and oppressive system of power that undergirds capitalist society.³¹ Critics Dwight MacDonald and Clement Greenberg, in their works of mass culture and kitsch, have drawn on this criticism. For them, the danger of mass culture is that displaces or waters down high culture, a phenomenon that carries with it not just artistic but political consequences: it enables totalitarianism and shuts down the openings for radical thought previously engendered by the avant-garde.³²

A variation on this mass culture critique appears sociologist C. Wright Mills's best-selling *The Power Elite*. In his chapter on the "mass society," Mills links the ascent of the "power elite"—the political, military, and industrial leaders who make crucial decisions without the consent of the people—to the rise of a mass society enabled by mass culture. Mills charts the transition from a community of publics, in which individuals are invested and active in political debate, to a mass society in which individuals are rendered politically impotent and complacent.³³ If for Adorno and Horkheimer the culture industries stamp out the possibility of revolution, for Mills they

³¹ Theodor Adorno and Max Horkheimer, "The Culture Industry: Enlightenment as Mass Deception," in *The Cultural Studies Reader*, 2nd ed., ed. Simon During (London: Routledge, 1993), 32-41.

³² Dwight MacDonald, "A Theory of Mass Culture," in *Mass Culture: The Popular Arts in American*, ed. Bernard Rosenberg and David Manning White (New York: The Free Press, 1957), 59-73; Clement Greenberg, "Avant-Garde and Kitsch," in *Mass Culture: The Popular Arts in American*, ed. Bernard Rosenberg and David Manning White (New York: The Free Press, 1957), 98-107.

³³ C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956), 298-324.

signal the end of a vibrant public sphere and healthy political debate. For both, they transform individuals into a disempowered mass, entertained into submission and complacency. It is a view that later media critics like anti-television activist Jerry Mander would emphasize in his screed against TV, and Noam Chomsky, Edward Herman, and Robert McChesney would invoke in their analyses of the political economy of the mass media.³⁴ It is a view that also has been reinforced in a long line of American movies that continually have constructed the television audience as a highly susceptible and slack-jawed mass, uncritically embracing what passes over its television screens.³⁵

Other critics have defined television as something akin to an aesthetic cesspool that has spoiled American culture. In this line of thinking, television's sin is not its ability to disempower, but its tendency to turn what it touches into unintelligent drivel, a view perhaps best epitomized by architect Frank Lloyd Wright's characterization of television as "bubblegum for the eyes." When FCC Chairman Newton Minow famously referred to television as a "vast wasteland," he invoked this view of television as dominated by insipid programming. Neil Postman elaborates upon and popularizes this view in *Amusing Ourselves to Death*, which argues that television has reduced public affairs journalism to sleazy sensationalism, has replaced edifying culture with banal entertainment, and has reduced religious ritual to another form of spectacle.³⁶ On television, the sacred becomes profane and the result is a nation of poorly-informed dolts

³⁴ Jerry Mander, *Four Arguments for the Elimination of Television* (New York: Morrow, 1978); Edward S. Herman and Noam Chomsky *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon Books, 1988); Robert W. McChesney, *Rich Media Poor Democracy: Communication Politics in Dubious Times* (Urbana: University of Illinois Press, 1999); Robert W. McChesney and John Nichols, *It's the Media, Stupid* (New York: Seven Stories Press, 2000).

³⁵ Since the 1958 film *A Face in the Crowd*, movies consistently have depicted the television audience as immensely susceptible and pliant, tied to their television screens and willing to do anything that television personalities ask of them. This characterization also appears, for example, in *Network* (1976), *The Truman Show* (1998), and *The TV Set* (2007).

³⁶ Neil Postman, *Amusing Ourselves to Death: Public Discourse in the Age of Show Business* (New York: Viking, 1985).

with an under-developed inner life. This construction television as “boob tube” has been a recurring discursive trope, animating popular representations of television for decades. It has been especially powerful for individuals and groups concerned with the impact of television on children.³⁷

Significantly, this discourse often has tied the poor, formulaic qualities of television programming to its commercialism. In some ways, the “boob tube” criticisms have overlapped with the mass culture critique. Both have focused on the negative consequences of the commodification of culture, the takeover of cultural expression by profit-driven industries. However, while the mass culture critics emphasize the negative consequences of mass culture on both the individual and on the polity, the boob tube critics stress the poor quality of televisual texts and the decline of artistic quality that the medium encourages. The mass culture critics fundamentally oppose capitalism, implicating mass culture in its reification; the boob tube critics are suspicious of unchecked commercialism and the denigrated aesthetic standards it promotes.

Though these critics have disagreed over how to characterize television, their inquiries fundamentally have spoken to television’s impact on its audience. For some, television renders its viewers a mass audience, seducing them into complicity with the ideology that supports the power structure within society. For others, television dumbs down its audience by feeding it a steady stream of insipid and unimaginative programming. To be sure, activists continually have engaged with these discourses in their reform campaigns. Television activists often have imagined television audiences are uncritical consumers, passively accepting the images and ideas that pass over their screens. This is a vision of the television audience that the mass culture critics would

³⁷ The Parents Television Council, which L. Brent Bozell III founded in 1995 and which quickly became a leading advocate for children and families, repeatedly has argued that increased commercialism leads to programming that is sleazy, unintelligent, and harmful to children. See chapter six for more details.

find familiar, one that assumes a monolithic audience whose values and views of the world are shaped by the texts that they consume. Indeed, it is this construction of the audience that has lent urgency to the reformers' campaigns: television is a crucial battleground because of its tremendous power over its audiences. Some, in contrast, have emphasized how the poor quality of commercial television negatively affects its viewers and have agitated for stations that would operate without a reliance on sponsor dollars or for policies that would temper the power of commercial stations. What is consistent is their view of a passive television audience, either easily swayed ideologically or entertained into becoming an ignorant mass.

Ironically, activist campaigns at once have attested to the power of television publics while they simultaneously have been sites where this construction of passive audiences has been rearticulated and reinforced. This tension between the empowered public and the disempowered audience runs throughout the case studies. It speaks to the activists' contention that they belong outside of the category of "audience," yet simultaneously to their belief that their reform campaigns work on behalf of this very audience and contribute to the public good. To be sure, the audience assumed by the reformers is, in Ien Ang's phrase, an "imaginary entity"³⁸--one that does not reflect actual behaviors, but rather reformers' projections of how audiences behave.

³⁸ Ien Ang, *Desperately Seeking the Audience* (London: Routledge, 1991), 32. As Ang argues in *Desperately Seeking the Audience*, both commercial television systems and public service television systems understand the television audience as "an objectified category of others to be controlled."³⁸ In Ang's language, commercial broadcasters use an audience-as-market model, public service broadcasters an audience-as-public. For the former, audiences are consumers; for the latter, citizens. While Ang acknowledges fundamental differences between the two approaches, she also argues that both institutions "foster an instrumental view of the audience as object to be conquered." In other words, both forms of television share a paternalistic view of their audience. While one seeks to capture and sell it to sponsors and the other to edify and uplift it, they both impose their own vision of who their audience is and develop tools of measurement and study that foster this view. Labeling this perspective the "institutional point of view," Ang's work seeks to expose how our knowledge of audiences has been constructed and directed so that we can move past it to study how actual people behave and engage with television texts. The audience, according to Ang, is an "imaginary entity," created by and from the perspective of institutions.

This dissertation is organized around five case studies. Chapter one focuses on the activism of the National Association for the Advancement of Colored People (NAACP). The NAACP was one of the earliest activist groups to put pressure on broadcasting networks to alter their programming. In particular, this chapter focuses on the NAACP's boycott of the *Amos 'n' Andy* television program (CBS, 1951-3). Building a coalition of its local chapters, labor unions, and other civil rights organizations, the NAACP tried to pressure local stations, the CBS network, and the show's sponsor (Blatz Beer) to remove the program from the airwaves.

The second chapter examines the rise of non-commercial broadcasting, culminating in the passage of the Public Broadcasting Act (1967). This chapter specifically traces the transformation of *educational* television to *public* television. Though the terms "educational" "non-commercial" and "public" broadcasting are often used synonymously, they signify different understandings of the "problem" of television, as well as distinct constructions of television's public and the medium's public interest requirements. The shift from a focus on educational to public broadcasting, I argue, is also rooted in the larger cultural shift from the World War II/immediate post-war period to the 1960s.

Chapter three investigates the television reform activism of the National Organization for Women (NOW) in the early 1970s. Like other social justice groups of the period, NOW drew on a recent court case, *United Church of Christ v. Federal Communications Commission* (1966), which expanded the rights of the broadcasting public to include participation in the license renewal process; often, such participation

centered on the filing of a petition-to-deny license renewal of an offending station. NOW used its petitions to pressure broadcasters to improve televisual representations of women, to employ more women, and to recognize that women are part of the public which broadcasters are required to serve. Through its media activism, NOW's members learned to navigate and articulate their twin roles as citizens and consumers and often to collaborate with other women's rights groups, forming important alliances with local feminist organizations and with civil rights organizations

The fourth case study focuses on the Media Research Center (MRC), a conservative watchdog group formed by Brent Bozell III in 1987. Since its founding, the MRC has monitored the mainstream media for "liberal bias" and has disseminated its findings to subscribers, members of both houses of Congress, the major mainstream news organizations, and conservative talk show hosts, pundits, think tanks, and publications. The MRC, thus, wages its reform fight on the battleground of discourse and its purpose is to direct the public to see the media through the lens of contemporary conservatism. Media reform functions as a tool in the political battle waged by conservatives and serves to cohere a disparate conservative movement.

In the final chapter I explore the coalition that formed to fight new media ownership rules proposed by the FCC in 2003. These groups, who held widely different political views, feared that increased media consolidation would threaten democracy, increase indecency and commercialism, and denigrate the quality of programming. At stake in the campaign were not just concerns over media ownership, but over the logic of deregulation that had defined American broadcasting policy for twenty years.

Though each of the chapters functions as a snapshot of a distinct campaign, together they tell a story of social reform in an age of television. As activists have tried to advance racial and gender equality, spread access of educational opportunities crossed

class and regional boundaries, promote conservative values and viewpoints, and rescue democracy from the threats that the escalation of corporate power posed to it, they have turned to television reform. Each of the reform campaigns has tried to change television so that it better reflects the political and moral commitments of the reformers themselves. In addition, staging these reform campaigns has involved not only an engagement with broadcasting law and policy, but also a deliberation over the meaning of political citizenship and publicity in a mass-mediated society. In pursuing television reform, activists furthermore have participated in a conversation over the definition of television—its social role, its relationship to its audience, and its limitations and possibilities as the locus of a national public culture.

Chapter 2: The NAACP and the Struggle Over Prime Time

When CBS launched the *Amos 'n' Andy* television show, sponsored by Blatz Beer, it seemed like it had a bankable hit. The radio program, performed by creators Freeman Gosden and Charles Correll, was one of the most successful shows on the air, by 1931 drawing forty million listeners nightly.³⁹ CBS had lured Gosden and Correll away from NBC in its infamous 1948 talent raid that resulted in CBS's acquisition of twelve of the top fifteen radio programs, including *Amos 'n' Andy*.⁴⁰ Using its new advantage in radio programming, and the \$6.6 million dollars in revenues that this advantage afforded the network, CBS was able to finance its television network.⁴¹ Unlike its major rival in broadcasting NBC, CBS focused on promoting sitcoms on television, a format that had succeeded on radio. Premiering in the summer of 1951, *Amos 'n' Andy* was one such program that after its phenomenal radio success would bring in viewers to this burgeoning entertainment medium. While Gosden and Correll, two white men, continued to perform in audio blackface on the radio show, the television version had an all African American cast acting out the characters made famous on radio. On network television, *Amos 'n' Andy* lasted two seasons. Though much of television programming in this period was broadcast live, the *Amos 'n' Andy* show was filmed at the Hal Roach studios in Hollywood; after CBS took it off its schedule, the network

³⁹ Bart Andrews and Ahrgus Juilliard, *Holy Mackerell!: The Amos 'n' Andy Story* (New York: E.P. Dutton, 1986), 25.

⁴⁰ In 1948-49, CBS offered top NBC talent assistance to set themselves (the performers) up as individual corporations that would then be licensed to CBS. This arrangement allowed for their income to be taxed at a much lower capital gains rate. William Boddy, "Building the World's Largest Advertising Medium: CBS and Television, 1940-1960," in *Hollywood in the Age of Television*, ed. Tino Balio (Boston: Unwin Hyman, Inc., 1990), 71.

⁴¹ *Ibid.*, 71.

syndicated it to local stations, where it stayed on the air until 1966. The radio show had gone off the air in 1960, after thirty-two years of continuous broadcast.

Beloved by many, *Amos 'n' Andy* also drew the ire of African American listeners and viewers. The *Pittsburgh Courier* launched a campaign against the radio program in 1931. Robert Vann, the editor of the newspaper, tried to get one million signatures on a petition, to be delivered to the Federal Radio Commission (the precursor to the Federal Communications Commission), to demand that the FRC ban the program from the airwaves. Though Vann's efforts garnered support from a number of African American groups, it failed to reach its goal and the radio show stayed on the air. Additionally, many African American listeners disagreed with Vann's assessment that the show was demeaning. They viewed him as a crusader who not only sought to define African American identity in keeping with a middle class ideology of uplift, one that did not resonate with all African Americans' experiences.⁴²

This pattern would reemerge twenty years later when the National Association for the Advancement of Colored People (NAACP) protested the television version of *Amos 'n' Andy*. The NAACP objected to the show on the grounds that it presented African Americans in the tradition of minstrel shows, as grotesque and degrading caricatures. The association had not joined the *Courier* radio protests in the 1930s, but saw in the television show a much greater harm. "Visually," the national office wrote to local branches, "those shows do more damage in perpetuating stereotypes than did the radio presentations."⁴³ For the association, the visual quality of the television broadcast made this new broadcast medium of much more significance than radio. Though many

⁴² Melvin Patrick Ely, *The Adventures of Amos 'n' Andy: A Social History of an American Phenomenon* (New York: The Free Press, 1991), 172-183.

⁴³ NAACP National Office to Local Chapters, August 15, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection.

organizations would join the NAACP protests, which primarily took the form of letter-writing campaigns and boycotts of the sponsor, many viewers strenuously disagreed with the NAACP's assessment of the show and its contention that it contained derogatory depictions of African Americans. Like the *Courier* protests of the 1930s, the NAACP protests of the 1950s exposed fissures over what constitutes acceptable representations of African Americans and elicited debate over who is to define the contours of African American identity.

The protests over *Amos 'n' Andy* have become an iconic moment in the struggle over civil rights in the early 1950s. The NAACP itself positioned the show as a key obstacle in the advance of racial parity, identifying the demeaning representations as contributors to race-based violence and cultural misunderstandings. It is in this line of analysis that scholars subsequently have approached the NAACP protests. Placed in the context of the burgeoning civil rights movement of the postwar period, the protests have become a way to illustrate the divisions within African American opinion on both the struggles that face them and the means to attain advancement within American society.⁴⁴ As this chapter will argue, the NAACP protests also constituted a crucial moment in the development of public participation in television.

Significantly, when the NAACP turned its attention to television in 1949, less than ten percent of Americans had TV sets in their homes. Though this number would increase dramatically over the course of the 1950s, at the time of the *Amos 'n' Andy*

⁴⁴ Almost all discussions of the *Amos 'n' Andy* protests take this tact. See, for example, Thomas Cripps, "Amos 'n' Andy and the Debate over American Racial Integration," in *American History/American Television: Interpreting the Video Past*, ed. John E. O'Connor (New York: Frederick Ungar Publishing Co., 1983), 33-54; Ely., 223-237; and Leonard C. Archer, *Black Images in the American Theatre: NAACP Protest Campaigns—Stage, Screen, Radio & Television* (Brooklyn: Pageant-Poseidon, LTD., 1973), 233-259.

protests less than one-quarter of American households had television sets.⁴⁵ An east coast (where most programming originated) to mid-west chain connection of broadcast stations did not develop until 1949; coast-to-coast broadcasts were not feasible until 1951. Additionally, this was the period of the FCC freeze (1948-1952), when the commission refused to grant any new station licenses until it had devised an allocation scheme, settled on which part of the bandwidth would be available for broadcast television, and determined how many stations—if any—would be set aside for educational noncommercial broadcasting. At this time, furthermore, the FCC was debating which system of color broadcasting would become the standard for the industry. The NAACP decided to participate in the shaping of television when its pervasiveness was more of a promise than an actuality and when its impact across the culture was symbolic rather than real. The NAACP's hope, as evidenced in these early protests, in fact laid in its intention to influence the development of TV programming at this nascent moment in order to secure television's fidelity to responsible representations of African Americans.

As this chapter will show, the NAACP inserted its *Amos 'n' Andy* protests into existing debates over the development of American television. The appeals of the NAACP spoke directly to the concerns of the industry and its federal regulators: what the proper contours of television programming content could be and how to secure the success of television as a commercial medium. Furthermore, the NAACP campaign drew on cold war preoccupations with the mass media as a significant weapon in the global battle between the United States and the Soviet Union. The association thus devised a strategy to persuade that its interests were in line with, rather than in opposition to, those

⁴⁵ James L. Baughman, *The Republic of Mass Culture: Journalism, Filmmaking and Broadcasting in American Since 1941* (Baltimore: The Johns Hopkins University Press, 1992), 41-42.

of the broadcast industry. In the process, the NAACP conceptualized its interest as the public interest; the removal of *Amos 'n' Andy*, in the rhetoric of the NAACP, would serve not only African Americans, but the American people more broadly.

This early instance of public activism met the television industry on its own terms. In its reform strategy—largely composed of economic boycotts and letter-writing campaigns—the NAACP positioned the television public as programming *consumers*, its interest and stake in television centering on what it would watch and the pressure it could exert on stations and sponsors. In helping shape the early discourse on television, the NAACP reinforced the institutional status quo and taught viewers *how* to watch television and to understand their agency as members of television's public. Furthermore, though much of the activism took place at the local level, the rhetoric of the NAACP made appeals to a sense of national purpose, ascribing not only widespread implications to television programming content but reinforcing the promise of a national cultural medium before the material conditions were in place to realize it.

This chapter begins with a quick summary of the history of the NAACP and of the production history of *Amos 'n' Andy*. The chapter then situates the NAACP campaign within the context of concurrent conversations over television in the early 1950s and highlights how its protests were strategically in dialogue with these concerns. For one, it situates the economic emphasis of the NAACP protests against the backdrop of an emerging recognition of the purchasing power of African Americans; in this, the campaign dually reinforced the potential of African American consumers specifically and the construction of the television viewer as a consumer of sponsored goods more generally. Furthermore, in its campaign, the NAACP engaged in the debates over what constitutes acceptable programming. Drawing on the language of “decency” that animated these conversations, the NAACP attempted to expand the parameters of what

composes proper and socially responsible television programming. Finally, the *Amos 'n' Andy* boycotts drew on cold war preoccupations with programming. In its rhetoric, the NAACP exploited the concerns over the role that broadcasting played in the battle over “hearts and minds” by asserting that *Amos 'n' Andy* reinforced Soviet propagandistic claims.

THE NAACP, POPULAR CULTURE, AND AMOS 'N' ANDY

For decades prior to the debut of *Amos 'n' Andy*, the NAACP had implicated American popular culture in its fight for civil rights. Founded in 1909 as an interracial organization, the NAACP’s primary commitment was to secure basic rights for African Americans. The association, which adopted the platform of W.E.B. DuBois’s Niagara Movement, rejected the strategies and approach to black civil rights promoted by Booker T. Washington, arguably the most prominent African American leader at the time. As opposed to Washington, who advocated for gradual progress and sanctioned segregation, the association used litigation to demand the full application of the fourteenth and fifteenth amendments. In addition to securing civil rights for African Americans, the NAACP strenuously fought to stop the wave of lynchings common in the Jim Crow south.⁴⁶

In 1915, the NAACP participated in a boycott against D.W. Griffith’s *Birth of a Nation*, a film about Reconstruction that painted African Americans as incompetent buffoons or savages. As Thomas Cripps has illustrated, whites within the organization did not understand why African Americans were angry about the film nor were they supportive of the association’s attempt to censor cinematic content. The NAACP, along

⁴⁶ August Meier and John H. Bracey, Jr., “The NAACP as a Reform Movement, 1909-1965: ‘To Reach the Conscience of America,’” *The Journal of Southern History* 59 (1993): 7-8.

with other African American groups, committed resources to create an alternative African American filmmaking community to counter the depictions—and the perspective—contained within the dominant film industry emerging at this time.⁴⁷ In this early engagement with popular culture, the NAACP foreshadowed how it would deal with forms of cultural expression: as images and sentiments to be policed and as forum in which African Americans should contribute their own voices and images.

It was this latter concern that animated many of the transitions that the association went through in the 1920s. Though continuing its work for civil rights and anti-lynching legislation, the NAACP also embraced the importance of symbolic interventions into American culture and the role that artists and art could play in realizing the goals of the organization. Its publication *The Crisis* published many of the Harlem Renaissance writers and encouraged the cultural production of African Americans at the heart of this movement.⁴⁸ Prominent writers like James Weldon Johnson and Jessie Fauset gained prominence in the association, signaling its commitment to support African American artists.

The NAACP also continued to protest derogatory depictions of African Americans. For example, in the mid-1940s the NAACP launched a campaign to remove “Niggerhead Oysters” and “Niggerhead Shrimp” from supermarket shelves; the association found not only the name of the product offensive, but also the illustration on the cans which featured a grinning and big-lipped head of an African American boy. The national office wrote letters of complaint both to the manufacturer and to Safeway, whose grocery stores carried the product. In this effort, the NAACP received support from the

⁴⁷ Thomas Cripps, “The Birth of a Race Company: An Early Stride Toward a Black Cinema,” *The Journal of Negro History* 59 (1974): 28-37.

⁴⁸ Meier and Bracey, 11-13.

Urban League and from the National Maritime Union.⁴⁹ The NAACP would use these tactics of letter-writing campaigns, coupled with the formation of a coalition of sympathetic organizations, in the following decade in its television protests over *Amos 'n' Andy*.

As early as 1949, the NAACP complained about the use of caricatures of African Americans on television. Henry Lee Moon, the NAACP's director of public relations, contacted the DuMont network in June 1949 to complain of the stereotypical presentation of two African American craps shooters on the network's *The Morey Amsterdam Show*. "Television," wrote Moon, "is a new and growing art and industry. It seems to me a shame that it should retain the old, outmoded stereotypes. Television, it seems to me, should recognize the Negro as an American and cast him in roles of equal dignity with those of white actors."⁵⁰ The NAACP leveled similar protests over the use of blackface on early television shows and the continued characterization of African Americans as clown, buffoon, or criminal. It additionally objected to the presentation of African Americans in stereotyped contexts like watermelon eating contests, and protested the use of derogatory epithets to refer to African Americans.⁵¹ For example, in December 1950, after receiving complaints from the NAACP over its decision to broadcast an operatic interpretation of Eugene O'Neill's *Emperor Jones*, NBC decided not to air it in order to secure improved relations with its African American audience. In particular, the NAACP

⁴⁹ "Miss. Branchers Hit Offensive Label," NAACP Press Release, May 8, 1952, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:14. The NAACP issued its first complaint about these products in 1936. Throughout the 1940s, NAACP continued to put pressure on sellers and manufacturers to remove the product.

⁵⁰ Letter from Henry Lee Moon to James L. Caddigan, June 3, 1949, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:14.

⁵¹ Letter to Jean Bach from Edna Freeman, December 4, 1952, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:14.

had objected to the repeated use of the word “nigger” in the production.⁵² Ironically, NBC executives had consulted with NAACP executive Walter White before production began on *Emperor Jones*, who reassured the network that the mood of fantasy and quality of art of the play elevated it above concerns over racial conflict.⁵³ In other efforts, however, the NAACP received tepid assurances from networks and sponsors that they would try not to demean African Americans in their programming and pledges that they would take special care in the future.

In these early protests, the NAACP corresponded with networks and sponsors about their concerns over the content of television programs. In articulating its complaints, the organization continually emphasized that the stereotypes of African Americans in entertainment—which had characterized depictions on stage, in film, and on radio—was out of sync with the progress that African Americans had made in the United States. Furthermore, these protests revealed that the NAACP attributed tremendous power to the television medium and its ability to shape the perceptions of its audience. In addition, in the early 1950s, networks like NBC indicated to civil rights organizations their interest in appealing to the African American audience and to securing responsible representations of African Americans on television. NBC employed Joseph Baker’s public relations firm for the expressed purpose of ameliorating the network’s relationship to African American viewers. In addition to encouraging NBC to form relationships with African American newspapers, Baker arranged for members of the

⁵² Memo to Walter White from Julia Baxter, October 11, 1950, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:14; Letter from Peter Adler to Louis Gruenberg, November 15, 1950, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:14; Letter from Louis Gruenberg to Walter White, November 19, 1950, NAACP Protest Files, University of Texas at Austin Microfilm Collection. 15B:14.

⁵³ Memo to Continuity Acceptance Personnel and Television Department Personnel from Stockton Helfrich, Box 161c, folder 18, NBC archives, University of Wisconsin-Madison. Many thanks to Doug Battema graciously shared his research materials from the NBC archives with me.

network to meet with prominent civil rights leaders, including representatives of the NAACP and the Urban League. In addition, with Baker's help, NBC programming became more sensitive to programming that could offend African American viewers. As he notes in a report to the network in 1951, "The word 'darky' is not now defended as 'an endearment.'"⁵⁴

When the NAACP turned its attention to the television version of *Amos 'n' Andy*, it therefore built on decades of activism to revise the image of African Americans in American popular culture. In this instance, the association targeted a text that had achieved iconic status through its radio broadcasts and that seemed poised to reach similar heights on television. The characters of Amos and Andy originally appeared on Chicago radio stations as Sam and Henry. Gosden and Correll began broadcasting on WGN in 1926 a show about two black men from Alabama, Sam and Henry, who move north to the big city. The show, which was broadcast for ten minutes/six days a week, was a situation comedy with a continuing story whose humor relied on two premises. It was a fish-out-of-water story that traced the experiences of rural southerners as they encountered the strange world of the urban north. Secondly, *Sam and Henry* contrasted the behavior of hard working Sam with lazy and pretentious Henry.⁵⁵

Gosden and Correll had aspirations to expand the listening audience of *Sam and Henry*, primarily by recording episodes and leasing the recordings to stations across the nation. WGN refused, and when Gosden and Correll's contract lapsed in 1928 they left WGN for another Chicago station, WMAQ. At WMAQ, they changed the name of their characters—and of the show—to Amos and Andy and tinkered with the details of its back story (the characters were now from Georgia, not Alabama). Additionally, at WMAQ,

⁵⁴ Joseph Baker Associates Inc., FIFTY-SIX MILLION EARS.....AND EYES: A PUBLIC RELATIONS REPORT TO NBC, Box 162c, folder 30. NBC archives, University of Wisconsin- Madison.

⁵⁵ Ely, 54.

Gosden and Correll recorded their live broadcasts and formed an informal chain of affiliated stations who would broadcast the shows.⁵⁶ *Amos 'n' Andy* garnered a national radio reputation and attracted the attention of the Lord & Thomas advertising agency and the NBC network. In August, 1929, *Amos 'n' Andy* debuted on NBC's blue network.⁵⁷

By 1931, *Amos 'n' Andy* had become a national sensation as more than forty million people tuned in nightly to listen.⁵⁸ Its success led to a number of media tie-ins, including dialogue records sold by Victor Talking Machine Company, a comic strip, a film *Check and Double Check* (1930), animated cartoons, and books.⁵⁹ As early as 1945, with the mass introduction of television to the public in sight, Gosden and Correll began talking with NBC about adapting their show for TV. While the radio series initially focused on the trials of the two men trying to negotiate life in the big city, the plots of the shows revolved increasingly around a third character, George "Kingfish" Stevens. The Kingfish was a prototypical con man who hatched elaborate plans each show that always failed. The television series adopted this plot structure and prominently featured the Kingfish character. Many of the television shows centered on the antics of Kingfish trying to con Andy out of money. Amos, the most honest and intelligent of the show's characters, was much more peripheral to the plot.

The world inhabited by Kingfish, Amos and Andy on television was a world almost entirely inhabited by African Americans. The central characters spoke in a stereotyped southern black dialect dotted with malapropisms and used exaggerated facial gestures. In contrast, the people of their community—the policemen, waitresses, judges,

⁵⁶ Ibid., 58.

⁵⁷ Ibid., 60. Up until 1943, NBC operated two networks: the blue and the red. A Justice Department decree ordered NBC to divest one its networks and it sold its blue network to Edward Noble. Noble renamed it ABC.

⁵⁸ Andrews and Juiliard, 25.

⁵⁹ Ibid., 28-29.

salesgirls—adopted a more conservative demeanor and communicated in “proper English.” However, the NAACP’s ire was incurred from the show’s presentation of the central characters that, in the view of the association, drew on offensive minstrel-like caricatures of African Americans. In large part ignoring the show’s presentation of multiple African American character types, the NAACP took aim at *Amos ‘n’ Andy* as a program that derided African Americans and that relied on a caricature of African Americans that had been a staple of America’s popular culture for way too long.

The *Amos ‘n’ Andy* campaign far exceeded the efforts previously put forth by the NAACP television protests. The association elicited the help of a number of groups, ranging from labor unions to churches to students organizations. The NAACP carried off a sustained effort to get the show off the air: it passed an official resolution at its Atlanta convention in 1951 which took place the week the show premiered on CBS; it pressured the network and boycotted the sponsor to cease broadcasting the show; and it enlisted local chapters to write to local stations to remove the program and to attract the help of churches, unions, bars and taverns, and civil rights groups to join in the campaign. Even after CBS and Blatz took *Amos ‘n’ Andy* off of network television, the NAACP continued its protests when the BBC purchased the show in 1954.⁶⁰

Amos ‘n’ Andy received such attention for a variety of reasons. The NAACP’s previous television protests focused on sole appearances or skits on programs or, in the case of *Emperor Jones*, a one-time offering. *Amos ‘n’ Andy*, like its predecessor on radio, was to be a recurring series, scheduled every Thursday evening on CBS. The offense to the respect and dignity of African Americans, in the view of the NAACP, would continue with each broadcast of the series. Furthermore, given the tremendous

⁶⁰ “NAACP Urges BBC to Drop ‘Amos ‘n’ Andy’ TV Show,” NAACP Press Release, August 8, 1954, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10..

popularity of the radio show, *Amos 'n' Andy* promised to be an attention and ratings winner on television. The show also was filmed rather than broadcast live, as was more typical in this period. The telefilms opened the door to future syndication of the show, expanding the lifeline of media representations that the NAACP deemed unacceptable and lending more urgency to the protest.

Furthermore, to members of the NAACP, there was not much good in the *Amos 'n' Andy* show. In a July 6, 1951 press release, drafted by Executive Secretary Walter White, the show depicted African Americans as “amoral, semi-literate, stupid, scheming and dishonest,” a caricature that “perpetuates and extends a harmful stereotype which went out with the old time minstrel show.”⁶¹ The resolution adopted at the Atlanta convention later that week reiterated this characterization and pledged that all branches and state conferences of the NAACP were to protest the sponsors and promoters of the show and, if necessary, to boycott the products to discourage sponsorship.⁶²

Ostensibly, the NAACP simultaneously was protesting *Beulah*, a television program based on a radio show that had debuted on TV in 1950. The Atlanta resolution listed *Beulah* alongside *Amos 'n' Andy* as a disgraceful program that maligned African Americans. However, though the show received mention, the efforts of this campaign were overwhelmingly and near-exclusively focused on *Amos 'n' Andy*. Arguably, *Amos 'n' Andy* especially appalled the NAACP because it presented African American *professionals* (lawyers, judges, doctors) as clowns and buffoons—that, in other words, the association was enraged at the maligning of the black middle-class— and was borne out by the its lackluster campaign against *Beulah*. The title character of the show was a

⁶¹ “Brewery Company Asked to Drop ‘Amos ‘n’ Andy,” NAACP Press Release, July 9, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection., 15B:10.

⁶² Letter to Edwin Lukas from Walter White, July 9, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

classic “mammy” figure, a large African American maid who doted and fretted over the white family for whom she worked. Because the show limited its caricatures to domestics and handymen—Beulah’s handyman boyfriend Bill was depicted as shiftless and lazy—and in no way maligned upwardly mobile African Americans, as did *Amos ‘n’ Andy*, the NAACP potentially viewed it as less of a threat to African American advancement.

The national office sent telegrams of protest to CBS, Blatz, and Schenley Industries, the company to which Blatz was a subsidiary. At this time, television programs had single sponsors. It would not be until the end of the decade that the magazine format of advertising, in which programs would have multiple sponsors, would emerge. Asserting that the network had invested too much money in the show to cancel it outright, CBS vice president Sig Mickelson met with members of the NAACP to devise ways to revise the show so that it was more acceptable to the NAACP and the constituency that it represented. This meeting did not yield a useful compromise. Most of the NAACP representatives had concluded after viewing episodes that it was inconceivable that the program could be made in an acceptable manner.⁶³ In August, 1951, Edwin Lukas, the president of the American Jewish Council who sympathized with the NAACP efforts, made multiple suggestions to Mickelson to tone down the offensive parts of the show. CBS did not implement his suggestions.⁶⁴

⁶³ Memo from Walter White to Algernon Black, Ralph Bunche, Norman Cousins, Grace Fenderson, Lewis Gannett, William Hastie, Thurgood Marshall, Henry Lee Moon, C.B. Powell, James Powers, Arthur Spingarn, Mabel Staupers, Channing Tobias, Lindsay White, Roy Wilkins, Samuel Williams, and Louis Wright, July 10, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10; Memo to NAACP files from Walter White, July 11, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10; and Memo from Thurgood Marshall to Walter White, July 11, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

⁶⁴ Letter from Lukas to White. NAACP Protest Files.

Members of the NAACP also held a series of meetings with representatives of the Television Authority (TVA), a newly formed union representing performers on television, and with officials from the four major networks. These meetings resulted in a public statement issued by the Television Authority that pledged to “secure representation of Negroes on television programs, matching their role in everyday life and providing opportunities for employment of the many qualified Negro artists among the membership of the Television Authority.”⁶⁵ Indeed, one of the central concerns over *Amos ‘n’ Andy* was that it was one of the only representations of African Americans on television. The NAACP intimated that if there were a more diverse range of depictions, the show would be far less dangerous. The support of the TVA ideally would help secure future shows that counteracted these damaging televisual representations of African Americans. In this vein, responding to concerns that the protests would make it difficult for African Americans to receive work in the television industry, the NAACP solicited assurances from all of the networks that their policies toward hiring African Americans had not wavered as a result of the NAACP’s protests.⁶⁶

⁶⁵ Statement of Policy Issued by Television Authority, July 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10. The TVA had an additional motive to meet with the NAACP regarding *Amos ‘n’ Andy*. The TVA was a newly formed union and it still was gaining legitimacy and shaping the bounds of its jurisdictional authority. Upon its inception, the TVA and the Screen Actors Guild (SAG) had been engaged in a jurisdictional battle over television performers. Though SAG ceded authority of all live and kinescoped performers to the TVA, it maintained that actors in telefilms were under its jurisdiction. The TVA asserted that, because these performers and performances were not exhibited in movie theaters but distributed by television stations, they were under its jurisdiction. Who was to represent the actors in the *Amos ‘n’ Andy* program raised this issue of jurisdiction, since the show was filmed in Hollywood. The TVA’s meetings with the NAACP may have had an eye toward securing its legitimacy to represent telefilm performers. “TVA Offer: Welcomes SAG as Partner,” *Broadcasting, Telecasting*, January 16, 1950, 59; “Talent Unions: TVA Urges Partnership,” *Broadcasting, Telecasting*, February 6, 1950, 83; and “SAG-TVA Agree on Future NLRB Elections” *Broadcasting, Telecasting*, 13 August, 13 1951, 65, 77.

⁶⁶ The NAACP sent telegrams to all 4 major networks asking whether their policies toward hiring African Americans had changed. All 4 responded that their policies had not. “See No Danger to Negro Jobs in ‘Amos ‘n’ Andy’ Protests,” NAACP Press Release, August 23, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

The association recruited the cooperation of labor unions, churches, student organizations, and teacher federations in its boycott of the show. White wrote the heads of approximately 100 organizations to ask for their support. Among the organizations pledging to act: the United Auto Workers-CIO; the Transport Workers Union of America; Hotel and Restaurant Employees and Bartenders' International Union; National Beauty Culturists League; United Hatters, Caps, and Millinery Workers International Union; Students for Democratic Action; American Jewish committee; as well as numerous churches across the country.⁶⁷ The national office also enlisted the local branches, conferences, and youth councils of the NAACP. Gloster Current, director of local branches, equipped NAACP members with a list of reasons why *Amos 'n' Andy* was unacceptable. This list reiterated that all of the characters on the show, including the lawyers and doctors, were depicted as morons and buffoons; it asserted that the show bolstered prejudiced views about African Americans; it maintained that there were insufficient alternative representations of African Americans, either on television or in other mass media, to combat the derogatory imagery.⁶⁸

The national office encouraged local branches to contact the local CBS affiliates in their communities to urge them to take the show off the air. Additionally, it asked them to get in touch with local taverns and bars to ask for their participation in the boycott of Blatz and other Schenley products. The national office also asked for local help in bringing other organizations and churches into the action against *Amos 'n' Andy*. Indeed, the local branches were instrumental in this national campaign. As a result of the actions of the Milwaukee branch, WTMJ-TV announced it would discontinue *Amos 'n'*

⁶⁷ "New Protests Mark 4th Week of 'Amos 'n' Andy' Battle," NAACP Press Release, July 26, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

⁶⁸ Letter to NAACP Branches and State Conferences, July 16, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.; Letter from Gloster Current to Local Chapters, August 1951, NAACP Protest Files, 15B:9.

Andy after it had exhausted its thirteen week contract; this decision was a poignant victory, since Blatz's home was located in Milwaukee.

In its first season *Amos 'n' Andy* received good ratings: it was the thirteenth top rated show. In its second season its success declined, though the show received an Emmy nomination. In this second season, CBS alternated it with another program, the *Four Star Playhouse*, which could account for its decline in the ratings. Blatz withdrew its sponsorship after the second season, and CBS made a few more episodes of the show so that it had an ample number to syndicate to local stations. It is possible that the NAACP boycotts contributed to Blatz's decision, though the brewery made no official statement to that effect. In contrast, historian Thomas Cripps asserts that Blatz withdrew in order to sponsor the *Four Star Playhouse*, a more prestigious show that would lend a more sophisticated patina to its product.⁶⁹ Furthermore, as historian Melvin Patrick Ely has pointed out, the NAACP campaign, though spirited, did not lead to any changes in the content of the program, received little attention in the white press, and even barely merited attention in *The Crisis*—the official organ of the NAACP.⁷⁰ After *Amos 'n' Andy* left network television, African Americans would not receive lead roles in a network dramatic series until over ten years later, when Bill Cosby starred in *I Spy* in 1965.

CONSTRUCTING THE TELEVISION PUBLIC: THE ECONOMIC FOCUS OF THE NAACP PROTESTS

The NAACP protest rhetoric postulated competing definitions of the television audience and of the responsibilities that sponsors and stations had to their viewers. First and foremost, the NAACP construed television viewers as consumers and defined their

⁶⁹ Cripps, 49.

⁷⁰ Ely, 237.

strength in economic terms. Additionally, as the next two sections will illustrate, the NAACP conceived of the audience as citizens and argued that programmers and sponsors owed them responsible shows that would foster a healthy democracy; in the context of the cold war, furthermore, the NAACP argued that what appears on American television affects Americans in relation to their position in the global conflict. This construction of the consumer-citizen viewer, applied to the NAACP's members and its allies in the campaign against the NAACP. However, the NAACP also asserted that television viewers more broadly were unwitting recipients of propaganda, incapable of recognizing the mistruths presented to them. This position ascribed tremendous power to the television medium and near-powerlessness to its viewers, assuming their inability to suss out the misinformation broadcast to them. The NAACP singled out children as viewers fitting this description, but also asserted that uninformed adult viewers had no more agency than children in recognizing the propagandistic qualities of programming. Their protests became based on this dueling definition of the empowered citizen-consumer and the disempowered dupe.

The economic power of African Americans played a central role in the NAACP protests. The broadcast and advertising industries in the late 1940s and early 1950s discovered that African Americans composed a lucrative demographic. *Broadcasting*, the trade publication of the radio and television industries, published an article in November 1949 informing its readership of the enormous profitability of the African American audience. The counseling firm Kyle, Carter & Eubanks had conducted a study that showed that there was no other group "more responsive to specialized advertising than the Negro." The study urged the inclusion of African Americans in the overall market plan and suggested that in urban centers, programming designed for an African American audience could bring in profits for stations and sponsors. Furthermore, the

article summarized that African Americans spend \$10 million annually and illustrated that they were a demographic worth courting.⁷¹

TIDE, a publication for the advertising industry, published a cover story in 1951 on “Selling the Negro Market.” Upping the figure of the previous study, *TIDE* maintained that the nation’s fifteen million African American had an aggregate income of \$12-15 million annually, and thus “compose a market that is, for advertisers, rich, ripe and ready.”⁷² The article included case studies of how certain products successfully attracted African American consumers and focused on the use of African Americans in ad campaigns. It stressed that this market “is one of the greatest, single market opportunities in the U.S. today for increased sales for advertisers.”⁷³

Ironically, when Blatz decided to sponsor *Amos ‘n’ Andy*, one of its goals may have been to attract African American consumers by sponsoring a show featuring an all African American cast. The brewery spent \$250,000 promoting the show, including a sky tour of the nation by executives to popularize it. Blatz additionally placed ads in *Life*, *TV Guide*, *Ebony*, *Color*, *Our World*, *Tan Confessions*, as well as leading trade publications and daily newspapers across the country. The inclusion of African American periodicals in Blatz’s media blitz suggests that the brewer hoped that it could tap into the African American market through its sponsorship of *Amos ‘n’ Andy*.⁷⁴

The NAACP reiterated the power of African American consumers most obviously through its boycott of Blatz and through the campaign’s rhetoric. Its press releases and correspondence continually emphasized that the nation’s fifteen million African

⁷¹ “Untapped Negro Market: Counselors Urge Direct Appeal,” *Broadcasting, Telecasting*, November 14, 1949, 66.

⁷² “Selling the Negro Market: Always Under-Estimated, It is Rich, Ripe and Ready Today,” *TIDE*, July 20, 1951, 37, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

⁷³ *Ibid.*, 47.

⁷⁴ “‘Amos ‘n’ Andy’: Blatz Stages a \$250,000 Launching,” *Broadcasting, Telecasting*, 23 July 23, 1951, 68-69.

Americans spend in excess of \$12 billion annually. The NAACP brought up this statistic in its initial press release of the campaign; in a July 12 press release; in an August 2 press release; in an article by White in *Printer's Ink*, and in other public sources. The NAACP defined much of the power of African Americans as consumer power. As Lizabeth Cohen illustrates, African Americans had used consumer boycotts since the 1920s to protest segregation and discriminatory employment practices. For decades before the advent of television, African Americans had honed the practice of the economic boycott to address racial discrimination and inequality.⁷⁵ When the NAACP turned to this practice, it followed in the steps of previous campaigns that had illustrated the economic power of African Americans could be used to fight racism.

In its public rhetoric, the NAACP expanded its conception of consumer agency to the television audience beyond African Americans. In its initial telegram to Blatz, disseminated to newspapers, White wrote “No one of the fifteen million American Negroes who spend annually today in excess of twelve billion dollars which includes Blatz Beer and other Schenley products can fail to resent such libel nor can fair-minded white citizens similarly fail to do so by purchasing products of other manufacturers who do not gratuitously insult their customers [...]”⁷⁶ The NAACP explicitly constructed a relationship of mutually-understood economic exchange between viewers and sponsors. Viewers would purchase the products of sponsors affiliated with responsible programming and would avoid those connected to offending shows. In this instance, the NAACP reinforced the economic logic behind advertising and attested to its success in aligning products with positive programs. In other words, the NAACP underlined the

⁷⁵ Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books, 2003), 44-53.

⁷⁶ “Brewery Company Asked to Drop ‘Amos ‘N’ Andy,’” NAACP Press Release, July 9, 1951. NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

notion that products do indeed become associated with the show that they sponsor, that audiences in fact make connections between their response to programs and their impression of the sponsor that financed them. Thus, in its efforts to deter sponsorship—and thus the commercial viability—of *Amos 'n' Andy*, the NAACP implicitly sanctioned the commercial sponsorship of television.

The economic boycott of Blatz reinforced the fact that the relationship between television viewers and television producers was one of commercial exchange. In defining its strategy as economic, the NAACP reminded viewers of the intentions of television programming to lure potential consumers to buy products as the prime goal. The association did not challenge the commercial underpinnings of broadcasting, but rather tried to manipulate them to change programming. In other words, the NAACP embraced the commercial cast of broadcasting by empowering viewers as consumers to exercise control over television content by putting pressure on sponsors. It was in this role as viewer/consumer that the NAACP assigned power to the television public in their efforts to cajole program producers.

BLUE-NOSES AND HIGH-BROWS: DEBATES OVER TELEVISION CONTENT

The NAACP also defined television not merely as medium of commerce, but as an instrument of citizenship and democracy. It posited that television actively participated in strengthening the democracy of the United States and functioned as a representative of American culture to foreign countries. As citizens, then, the NAACP and its cohort claimed a stake in the shaping of television programming as it alternately could enhance or impinge on their rights and security. In a letter from the national office to local branches, the NAACP stated that one of the central reasons to get *Amos 'n' Andy*

off the air was that it hampered the ability for African Americans to attain full citizenship rights⁷⁷.

This concern was best expressed when the NAACP linked the derogatory imagery of *Amos 'n' Andy* to the race-based violence that erupted in Cicero, IL in July 1951. After an African American family tried to move into an apartment building in Cicero, a predominantly white suburb of Chicago, a three-day riot broke out that required Illinois governor Adlai Stevenson to bring in the National Guard.⁷⁸ Franklin Williams, the NAACP's west coast regional director, pointed out that "there is a dangerous and tragic relationship between Cicero, Illinois" and the *Amos 'n' Andy* show.⁷⁹ Indeed, letters to White and members of the NAACP reiterated the connection between the violence and the television show, implying that the security of African Americans—and of American neighborhoods generally—could be compromised by misleading caricatures on television. Gustav Faber, the head of the Transport Workers Union of America who had joined with the NAACP protest, stated "the recent riots in Cicero, Illinois should be ample proof of the harm that programs such as [*Amos 'n' Andy*], which depict the Negro in a stereotype and derogatory manner can do." In a letter to Blatz, the head of the New York Arts Council stated: "As the Negro people face a new tide of lynchings and terror—as evidenced by the recent Cicero riots and other hoodlum attacks—your show spreads bigotry in its most shocking form as it invades our homes, poisons the minds of children."⁸⁰

⁷⁷ Letter to Local Branches.

⁷⁸ "Clashes in Illinois Bring Out Troops," *New York Times*, July 13, 1951, 38; "Barbed Wire Bars Rioters in Chicago" *New York Times*, July 14, 1951, 28.

⁷⁹ Franklin H. Williams, "Negro Columnists Hit 'Amos 'n' Andy,'" August 16, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

⁸⁰ Letter to Blatz. NAACP Protest Files. Series 15, Part B, Reel 9.

One of the central arguments made by the NAACP, echoed in the above quotation, was that white audiences would take the representations of African Americans on screen as accurate. The association often singled out families, and especially children, as misinformed viewers. In a press release, White asserted that television provided for “the perpetuation of harmful stereotypes of the Negro among many white families and for many white children whose only contact with colored people is through the televised version of such shows as ‘Amos ‘n’ Andy and ‘Beulah.’”⁸¹ In its list of twelve reasons why the *Amos ‘n’ Andy* show should be taken off the air, one-quarter focused on the fact that white viewers, including children, learned about African Americans from the show and would not be able to discern its exaggerations and mistruths. This tack also indicated a conception of the viewing public, the millions of whites who were not engaged with the boycott, as passive dupes uncritically believing what they saw on television. Furthermore, the emphasis on children reiterated television’s role as a domestic medium, located in the intimacies of the home of American viewers.

The NAACP was not the only organization concerned about the content of television programs. As the broadcasting industry and its federal regulators tried to work out the kinks in the technical aspects of television broadcasts, they simultaneously turned their attention to appropriate programming and to the responsibilities of broadcasters to their public. In response to public complaints over the vulgarities and “poor taste” of programming, the FCC threatened the broadcast industry with stricter regulations. Reacting to concerns over whether television would fulfill its potential to be an educational--as well as an entertainment--medium, the FCC and Congress considered

⁸¹ Walter White, Press Release, July 12, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:10.

whether to allocate a fixed number of television channels to non-commercial applicants for educational purposes.

The Radio Act of 1927, and the subsequent Federal Communications Act of 1934, both prevented federal censorship of broadcasting while it also placed basic restrictions on broadcast content. Section 29 of the Radio Act states:

Nothing in this Act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.⁸²

Broadcast speech is protected First Amendment speech, and thus federal regulators could not censor it. The one exception would be in cases of “obscene, indecent, or profane language,” which the act clearly prohibits. This section of broadcasting legislation historically has run up against the basis of federal regulation: to ensure that broadcast licensees meet the “public interest, convenience, and necessity.” Though unable to censor speech, the FCC has had the power to assign, renew and revoke broadcast licenses based on who it deems meets the above criteria. Though not a mandate to censor, the FCC could use this power in effect to dictate what type of programming it considers in the “public interest.” Thus, though broadcasters did not have to worry about official censorship, the specter of losing their licenses should they renege on their public interest has obligations loomed over them.

In 1946, the FCC issued a book entitled *Public Service Responsibilities of Broadcast Licensees*. Known as the “Blue Book” (its cover was blue), this document was the result of a five-year study that contrasted the promises of broadcast applicants with

⁸² “Radio Act of 1927,” in *Documents of American Broadcasting*, ed. Frank J. Kahn (Englewood Cliffs: Prentice Hall, Inc., 1984), 53.

their records. The Blue Book defined for broadcasters how the FCC would ascertain whether license renewal applicants had fulfilled their public interest obligations. Specifically, it encouraged sustaining programs (non-sponsored shows), live and local programs, programming dedicated to the discussion of public issues, and the avoidance of advertising excesses.⁸³ In issuing the Blue Book, the FCC did not warn of explicit censorship, though clearly it threatened the denial of broadcast licenses should licensees ignore the public interest mandate in favor of appealing to commercial interests. In September 1949, the FCC began planning to extend the Blue Book to television broadcasters as well.⁸⁴

To intensify pressures, in 1950 FCC Chairman Wayne Coy warned broadcasters that unless they cleaned up their programming, a more drastic government remedy would be imposed on them. “Poor taste,” stated Coy, “is not in the public interest.” Coy asserted that the FCC had been receiving increased numbers of letters complaining of degrading antics, vulgarities, indecency, and so on. Acknowledging the FCC’s inability to censor, Coy reminded broadcasters of the FCC’s responsibilities to see that stations operate in the public interest, and hence to act to secure it.⁸⁵ Later that year, Commissioner Frieda Hennock warned television stations in particular that, if they wish for their licenses to be renewed, they must consider their public interest obligations. Hennock stated: “the public is the actual owner of television.”⁸⁶

While the menace of the Blue Book and of the FCC commissioners’ allegations intimidated broadcasters, a threat from Congress also hovered over them. In 1951, Sen. Benton advocated for the establishment of a National Citizens Advisory Board, an eleven

⁸³ Richard J. Meyer, “The Blue Book,” *Journal of Broadcasting* (Summer 1962): 197-207.

⁸⁴ “Blue Book For TV? Planned by FCC Staff,” *Broadcasting, Telecasting*, September 19, 1949, 48.

⁸⁵ “‘Clean Up Programming’ Coy Warns,” *Broadcasting, Telecasting*, March 20, 1950, 29.

⁸⁶ “Public Service Role Cited by Hennock,” *Broadcasting, Telecasting*, November 20, 1950, 57.

person citizen committee to oversee acceptable broadcasting practices; this committee, appointed by the president, would supplement rather than displace, the FCC. The board would be, according to Benton, “a catalyst of listener and viewer opinion,” that would produce an annual Blue Book of strictures for broadcast programming. Benton and his supporters reasoned that commercial radio had done an inadequate job of educational and public service broadcasting, that television had not done much better, and that it seemed unlikely that commercial broadcasting will improve. This Advisory Board was one avenue to improve the quality of broadcasting.⁸⁷

A final threat to commercial broadcasters in this period came from educators and education advocates. In 1950, the Joint Committee on Educational Television (JCET)—an organization that represented the American Council on Education, Association for Education by Radio, Association of Land Grant Colleges and Universities, the National Association of Educational Broadcasters, and other groups—petitioned for television stations for noncommercial, educational purposes. Specifically, it asked the FCC to reserve one VHF station in major metropolitan areas and twenty percent of all UHF channels for television.⁸⁸ In addition to the twenty-one witnesses that JCET presented to the FCC to make its case for educational television, FCC Commissioner Hennock and Sen. John Bricker (R.-Ohio) were strenuous advocates of reserving stations for this purpose.⁸⁹ Furthermore, the Ford Foundation provided a \$90,000 grant to JCET to make the case to educational institutions for the need to pressure the FCC for educational television.⁹⁰ This push for noncommercial, educational stations concerned broadcasters

⁸⁷ Dave Berlyn “Annual Blue Book? Advocated by Sen. Benton for Radio-TV,” *Broadcasting, Telecasting*, June 4, 1951, 25.

⁸⁸ “VHF-UHF Channels: Educators Ask in Petition,” *Broadcasting, Telecasting*, November 27, 1950, 77.

⁸⁹ “Educators Take Up Torch for TV Channels,” *Broadcasting, Telecasting*, December 4, 1950, 55, 96.

⁹⁰ Edwin H. James, “Educational Dilemma: How to Use and Finance TV?,” *Broadcasting, Telecasting*, July 16, 1951, 58.

tremendously. Thad Brown, the television director of the NARTB, stated that the reservation of channels for educational purposes, in certain communities, would mean that twenty-five to fifty percent of available channels in specific places would go to educators.⁹¹

Broadcasters, afraid of the Blue Book and intensified federal oversight over programming and of the threat that potential commercial stations would be usurped by noncommercial educational stations, began planning for a television code of standards and practices. Like the motion picture industry, the broadcasting industry had adopted a self-regulating code to stave off federal censorship of programming. The National Association of Broadcasters in 1929 adopted its first code of standards and practices. This early version of the code prohibited the broadcast of false, misleading or deceptive programs or advertisements; required adherence to the Radio Act of 1927's mandate of clear identification of all sponsored and paid-for broadcasts; and addressed standards of business practices for stations.⁹² The National Association of Radio and Television Broadcasters (NARTB) began crafting a revised code in the early 1950s to address television.

By the end of 1951, the NARTB had written and adopted a television code. This code did the following: it set up a review board to enforce its provisions; it empowered the use of an official seal for participating broadcasters (though permits non-members to use the seal); it suggested "shoulds" and "not recommended" for advertising and program practices; it proposed time limits on advertising similar to those used for radio; it opposed sale of television time to churches and religious parties; and it gave power to the NARTB to check unfair and unscrupulous competition within the industry. The code

⁹¹ "TV Troubles: Brown Cites Current Pressures," *Broadcasting, Telecasting*, August 27, 1951, 62.

⁹² "NAB Code of Ethics and Standards in Commercial Practice," in *Documents of American Broadcasting*, ed. Frank J. Kahn (Englewood Cliffs: Prentice Hall, Inc., 1984), 72-73.

also addressed themes of good taste and decency in programming in direct response to Benton's concerns. It advocated community responsibility, decency and decorum, responsible programming for children, treatment of news and public events, discussion of public issues, as well as other issues related to responsible programming.⁹³ Though the four major networks were not members of the NARTB, they each already had or were devising their own codes of standards and practices at this time.⁹⁴

The concerns of Congress and the FCC regarding programming content, which the industry was responding to, circled around anxieties over indecent and vulgar programming, over the lack of public interest and news programming, over the insufficient job that broadcasters had done in using the airwaves for educational purposes, over the overwhelming presence of advertising on the air, and over the neglect of local programming and performers. Broadcasters took steps to alleviate these anxieties by adopting codes of standards and practices and by scheduling programs on television that met governmental ideas of what constituted appropriate programming. The fear of censorship, strict oversight, and loss of commercial stations motivated broadcasters to readjust their programming habits.

The NAACP, in labeling *Amos 'n' Andy* as a show that perpetuates "harmful stereotypes" and as an example of lack of "taste and judgment" potentially was trying to engage in this conversation over acceptable television content. It tried to appropriate and expand the definition of "vulgar" programming to include not only double-entendres and suggestive situations, but also gross caricatures that malign a social group. In this climate of fear over escalating regulation, the NAACP perhaps hoped to alert broadcasters—in

⁹³ J. Frank Beatty, "Stringent TV Code: 62 of 70 NARTB Stations Endorse," *Broadcasting, Telecasting*, October 22, 1951, 23, 32.

⁹⁴ "The Code," *Broadcasting, Telecasting*, October 29, 1951, 64.

their incessant letters to CBS and its affiliates—that *Amos ‘n’ Andy* could be construed as an example of the kind of programming that federal regulators were rallying against.

The failure to convince broadcasters of this characterization, or for regulators or politicians to take up this cause, illuminates the limitations of the debate over programming standards. While much of the activity on this issue centered on what broadcasters were *not* doing—effective news coverage, discussion of current events, educational programming, local shows—the discussion over what they *should* do focused on issues of “decency.” In this context, “decency” referred to the avoidance of sexuality or sexual scenarios over the air, as well as the absence of content relating to excretory functions. “Decency” did not cover appropriate representations of people of color, immigrant groups, or women. To be sure, broadcasters and advertisers did not want to alienate potential viewers/consumers. But, unlike the motion picture code that forbade the use of derogatory racial or ethnic epithets, the television codes did not address the issue of sensitivity to ethnic or racial groups. Nor did federal regulators and legislators. For all of the concern over acceptable programming standards, neither members of the FCC nor member of Congress defined the “public interest” obligations of broadcasters in line with programming that is respectful of racial or ethnic minorities, however that could be defined.

COMMUNISM, TELEVISION, AND AMOS ‘N’ ANDY

In its protests, the NAACP positioned *Amos ‘n’ Andy*--and by extension American television--as an emissary of American attitudes and cultures to foreign countries. Tapping into the cold war anxieties of the period, the NAACP cast *Amos ‘n’ Andy* as propaganda that undermined American claims to freedom by contributing to an international perception that the United States preached freedom abroad while practicing

racial discrimination at home. The NAACP Philadelphia Youth Council, in a letter to WCAU-TV (a CBS affiliate), wrote: "One of the major portions of Soviet propaganda is the status of minority groups in our country. Programs such as *Amos 'n' Andy* are subversive to the foreign and domestic programs of the United States which are based on recognizations [sic] of the individual worth, for they tend to label an entire segment of the population as undesirable."⁹⁵

Indeed, the characterization of *Amos 'n' Andy* as "vicious propaganda" was reiterated in a letter to local branches encouraging them to participate in the television boycotts.⁹⁶ The New York branch of the NAACP, in a letter to Lewis Rosenstiel (the head of Schenley Industries, owner of Blatz), insisted that, "In this age when the world is endeavouring to develop a spirit of unity among all the nations of the world, we believe that such a program serves to negate such an objective."⁹⁷ The show not only harmed a functioning democracy at home, but put American citizens at risk by aiding unwittingly the Soviet cause to contradict American claims to freedom. In this vein, the NAACP tapped a central concern over television in the early 1950s: its role in the fight against the Soviet Union.

The broadcasting industry's entanglements with cold war tensions took two primary forms: the rooting out of alleged subversives from the industry and the use of the media as a weapon in the fight against the Soviet Union. For example, almost exactly a year before the NAACP launched its *Amos 'n' Andy* campaign, another citizens' group successfully intervened in television programming practices. Like the NAACP protests, participants in this campaign contacted the sponsor and the network of the offending

⁹⁵ Letter to WCAU-TV from Philadelphia Youth Council, August 3, 1951, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B:9.

⁹⁶ Letter to Local Branches.

⁹⁷ Letter to Lewis Rosenstiel from NAACP New York Chapter, NAACP Protest Files, University of Texas at Austin Microfilm Collection, 15B: 9.

show to register its complaint. But unlike the NAACP protests, in which thousands of people participated, this campaign involved twenty telegrams and two to three phone calls. And unlike the NAACP protests, it worked immediately in removing the program from the airwaves. The telegram-senders and phone-callers had contacted General Foods and NBC to protest their television premiere of *The Aldrich Family*. Actress Jean Muir was to play the maternal head of the family in the television program. The protesters objected to her presence on the cast ostensibly because she had alleged Communist sympathies, though no formal accusations in this vein were made.⁹⁸ General Foods, before giving Muir a chance to respond to the charges, cancelled the show's premier and removed Muir from the cast. A company press release justified this move by stating that Muir was a "controversial personality" and might "provoke unfavorable criticism and even antagonism among sizable groups of consumers."⁹⁹ Two days after General Foods fired Muir, the Joint Committee Against Communism (a citizens' group), and its subcommittee on broadcasting, took credit as the prime mover in the protest.¹⁰⁰

The Muir case elicited a tremendous response from the press, much of it in condemnation of General Foods' decision. In an editorial, *The New York Times* labeled the Muir incident as a "character assassination"; a *Business Week* article referred to Muir as a "victim" and suggested that she had grounds for a lawsuit.¹⁰¹ Much of the press of the case focused on *Red Channels: The Report of Communist Influence in Radio and Television*, a list of 151 performers, writers, musicians, directors, and producers who allegedly had ties to the Communist Party or to Communist front organizations, which

⁹⁸ Saul Carson, "On the Air: Trial by Sponsor," *The New Republic*, September 11, 1950, 22.

⁹⁹ "Purge of Performers," *Newsweek*, September 11, 1950, 51.

¹⁰⁰ "Muir Expulsion: Group to 'Cleanse Radio, TV,'" *Broadcast, Telecasting*, September 4, 1950, 23.

¹⁰¹ Quoted in "Purge of Performers," 52; "No More 'Muir Incidents,'" *Business Week*, September 11, 1950, 26.

included Muir.¹⁰² Muir's firing, for onlookers, seemed to be evidence that *Red Channels* was to operate as an unofficial blacklist in the broadcasting industry. As its first public victim, Muir symbolized the nefarious potential that *Red Channels* portended and incurred the concern of those outside of the industry that it would hamper innocent people's ability to work.

The publication of *Red Channels* on June 22, 1950, extended the investigation and subsequent blacklisting common in the film industry at this time to workers in the broadcasting industry. The cover of the publication, which featured a hanging microphone in the clutches of a bright red hand, ably communicated not only the purpose of the document, but the aura of fear and menace it intended to procure. In this campaign, the American Business Consultants, composed of three former FBI agents committed to exposing subversives in multiple arenas of American life, joined organizations like the American Legion who similarly targeted the entertainment industries as cesspools of Communist activity.¹⁰³ The American Business Consultants sent the pamphlet free-of-charge to its near 4000 subscribers to *Counterattack* and sold it in newsstands and in bookstores.¹⁰⁴ Three days after *Red Channels'* publication, the Korean War began, intensifying the impact of the pamphlet. Executives in the broadcasting industry, from both a security and a public relations standpoint, felt that they could not ignore *Red Channels* or the Communist threat in American broadcasting that it pointed to.¹⁰⁵ According to Merle Miller, who penned an account of *Red*

¹⁰² Specifically, *Red Channels* listed forty-four writers, twenty-eight musicians, eighteen directors, eleven commentators, three announcers, sixty-eight actors, a music critic, a lawyer and an accountant. Merle Miller, *The Judges and The Judged* (New York: Doubleday & Company, Inc., 1952), 100.

¹⁰³ See William Pencak, *For God and Country: The American Legion 1919-1941* (Boston: Northeastern University Press, 1989), 9, 14; "'Red' Entertainers: Legion Urges Protests to Sponsors," *Broadcasting, Telecasting*, August 14, 1950, 62-D.

¹⁰⁴ Miller, 100-101.

¹⁰⁵ Miller, 100-101.

Channels, “None of the information in *Red Channels* was checked with the persons involved.”¹⁰⁶

In early 1950, concerns over the use of American broadcasting for explicit Communist propaganda rose to the fore in Congress. The House Un-American Activities Committee charged that WLOA radio station in Braddock, Pennsylvania had broadcast radio programs organized by the Communist Party.¹⁰⁷ The FCC denied knowledge of this program, though the accusation spurred Congress to take action against Communist use of American airwaves. At the end of March 1950, Congress proposed a bill to require an organization listed as subversive to identify itself as a “Communist organization” when sponsoring a radio or television broadcast.¹⁰⁸ The Senate version of the bill would have banned broadcasts on behalf of the Communist Party or other political organizations unless the sources and sponsors of the program were labeled as such.¹⁰⁹ A bill proposed in August that year demanded that radio and television facilities be denied to U.S. Communists altogether.¹¹⁰ In October, a bill passed both houses, and overrode a presidential veto, to require Communist and Communist Front organizations to identify themselves in broadcasts. A part of the Internal Security Act of 1950, violation of this law would result in a five year prison term or \$10,000 fine.¹¹¹ The

¹⁰⁶ Ibid., 126. The American Business Consultants drew on a wide array of sources: volumes of the *New York Times* and the *Daily Worker*; copies of Communist publications; letterheads and pamphlets issued by party-sponsored and alleged front organizations; newspaper clippings on Communist and Communist-front activities; and books on Communism. Additionally, the American Business Consultants acquired volumes of the complete hearings of the House Un-American Activities Committee, volumes that were not housed in either the New York Public Library or the Library of Congress. They also got a copy of Appendix IX of the House volumes, of which only 1000 were printed and which was later suppressed by the House because of its indiscriminate use of names. Appendix IX was one of two main sources that the American Business Consultants used in putting *Red Channels* together. The other was the hearings of the California Committee on Un-American Activities. See Miller, 81-82.

¹⁰⁷ “Communists: Radio Activity Charged,” *Broadcasting, Telecasting*, March 6, 1950, 80.

¹⁰⁸ “Communist Tag: Bill Seeks Air Identification,” *Broadcasting, Telecasting*, March 27, 1950, 84.

¹⁰⁹ “Anti-Red Laws: Congress Pressure Mounts,” *Broadcasting, Telecasting*, July 10, 1950, 19.

¹¹⁰ “Ban on Reds in Radio-TV Proposed,” *Broadcasting, Telecasting*, August 14, 1950, 32.

¹¹¹ “Red Shows: Law Requires Labeling,” *Broadcasting, Telecasting*, October 2, 1950, 79.

unstated but implied purpose of the law was to undermine Communists' and Communist sympathizers' credible access to the airwaves.

Though these bills resulted from the tremendous fear of Communist infiltration in this period, they also stemmed from a concurrent redefinition of broadcasting as a vital weapon in the cold war. Politicians in this period conceived of broadcasting as a crucial form of "psychological warfare" that they employed around the world to win the "hearts and minds" of people both outside of and behind the Iron Curtain. The State Department's Voice of America and the privately organized Radio Free Europe used the airwaves as propaganda for the American "way of life." Politicians understood the airwaves to be an essential battleground in the cold war, which meant that they had to be guarded at home as well as cunningly deployed abroad. The fear of Communist invasion of broadcasting fit this war paradigm employed by President Truman and legislators alike in the early 1950s.

The Voice of America, radio broadcasts paid for and run by the State Department, intended to counter Soviet propaganda against the United States. Characterized as part of a "truth offensive" and the nation's "Marshall Plan of ideas,"¹¹² the Voice of America presented to listeners an image of the United States as the freest country in the world, as resourceful and technically advanced, and as committed to scientific progress. It additionally featured political talks by expatriate citizens of Communist countries who were natives of the countries behind the Iron Curtain whom the Voice tried to reach that articulated the failings of Communism.¹¹³ In July 1950, President Truman requested that

¹¹² An editorial in *Broadcasting* quotes the characterization of the Voice of America as part of a "truth offensive": Sen. William Benton (D-Conn.), in the summer of 1950, proposed a "Marshall Plan of ideas," of which the Voice was a part. This phrase was introduced to Congress by NBC president David Sarnoff. "The Voice Roars," *Broadcasting, Telecasting*, July 17, 1950, 30; "\$200 Million World Network Urged by Sarnoff," *Broadcasting, Telecasting*, July 10, 1950, 15; and "Truman Asks for Expansion of Voice of America," July 17, 1950, 19.

¹¹³ "The Voice of America: What It Tells the World," *Time*, May 1, 1950, 22.

Congress expand the Voice's budget, casting it as a crucial part of America's Cold war strategy. He argued: "Communist leaders have repeatedly demonstrated that they fear the truth more than any other weapon at our command. We must throw additional resources into a campaign of truth which will match in vigor and determination the measure we have adopted in meeting postwar economic and military problems."¹¹⁴ Truman thus characterized this truth campaign to be enacted by the use of radio airwaves as a crucial component to win the cold war.

At the same time that Congress expanded Voice of America, Radio Free Europe also used broadcasting as a means to fight the Cold war. Run and funded by a privately endowed American corporation, Radio Free Europe broadcast to Czechoslovakia, Romania, Poland, Bulgaria, Hungary and Yugoslavia. It broadcasted plays, music, and satires forbidden by Communist leaders to its listeners; it also aired voices of men in exile from Communist countries who testified against the direction their homelands had taken.¹¹⁵ Like Voice of America and government-funded initiatives, Radio Free Europe's broadcasts were characterized as part of the "psychological war" that had become such an integral offensive in the Cold war.¹¹⁶

The NAACP tried to position its campaign in this larger discourse over Communism and Soviet propaganda, but this tactic did not inspire the necessary fears to sway the sponsor, the network, or the government to take up its cause. To be sure, the NAACP did not foreground this rhetorical maneuver. Perhaps if it had more strenuously placed its concerns over *Amos 'n' Andy* within the context of the fight against Communism, the NAACP may have been more effective. Instead, it emphasized the domestic consequences of the show—its continuation of racial caricatures, its

¹¹⁴ "Truman Asks," 19.

¹¹⁵ "Added Voice," *Newsweek*, July 17, 1950, 48; and "Urgent Whisper," *Time*, July 17, 1950, 68.

¹¹⁶ "The Needle," *Time*, January 29, 1950, 19.

contribution to mistaken ideas about African-Africans that lead (in the case of the Cicero riots) to racial violence, its denial (because of these characterizations) of full citizenship rights to African Americans who were maligned by the show. Indeed, the NAACP stressed how the show ruptured the alleged American creed of equality and fairness. In this context, when the polarity between the American-dominated free world and the Soviet-dominated Communist world was stark, appealing to the insufficiencies of the American system potentially undermined the NAACP's ability to garner support.

CONCLUSIONS

Despite its large coalition of unions and other interest groups, the NAACP did not receive widespread support from African Americans. *Broadcasting* reported at the end of July 1951 that, according to Blatz's advertising agency, by a ratio of ten to one, the letters they received on *Amos 'n' Andy* were favorable.¹¹⁷ Additionally, in response to the NAACP protests, African American actors formed the Coordinating Council of Negro Performers, which endorsed *Amos 'n' Andy* as a program that provided employment to African American performers. The council received congratulations and support from the show's cast.¹¹⁸ In its specific appeals on behalf of African Americans, the NAACP was speaking for a community that it did not fully represent.

Indeed, the legacy of the *Amos 'n' Andy* boycotts has centered on this question of *who* the NAACP spoke for and how we should view its critique of the show. Two documentaries, *Amos 'n' Andy: Anatomy of a Controversy* (1986) and *Color Adjustment* (1991), presented the NAACP's case and then provided alternate readings of the show by African American viewers who liked the series. For many African Americans, a

¹¹⁷ "'Amos 'n' Andy' To Stay, Despite NAACP," *Broadcasting, Telecasting*, July 30, 1951, 57.

¹¹⁸ "Negro Council: 'Amos 'n' Andy Cast Lauds," *Broadcasting, Telecasting*, August 6, 1951, 70.

television program featuring an all-black cast in the early 1950s in-and-of-itself was something worth preserving. Others enjoyed the humor of the program and did not read the characters as white projections of what black individuals would be like, but as part of a tradition of African American comedic performances. Thus the NAACP campaign was a window into the complicated and fractured approach to civil rights in the 1950s, a part of a larger narrative that acknowledges the wide range of concerns and goals of activists in this period.

Furthermore, the actual efficacy of the campaign on the program is not clear. Thomas Cripps has argued that CBS removed *Amos 'n' Andy* from its prime time line-up because of declining ratings, not because of pressure from the civil rights activists. In addition, as Doug Battema has shown, the program stayed in syndication for well over a decade after CBS cancelled it, at times scoring high ratings in local markets and appealing in particular of female and young audiences. Even though it left the CBS prime time line-up *Amos 'n' Andy* continued, as Battema argues, to be a cultural touchstone and to present what the NAACP had seen as a myopic view of African Americans to audiences until 1966.¹¹⁹

As this chapter has illustrated, the NAACP *Amos 'n' Andy* boycotts were also a central and seminal event in the history of television reform efforts. One of the first public interest groups to identify television as a medium of tremendous influence on American audiences, the NAACP devised a campaign that exploited the concerns of the television industry and its regulators at a moment when television's future was still being molded. By suggesting that the show reinforced racist stereotypes and thus underlined Soviet propaganda against the United States, the NAACP argued that *Amos 'n' Andy* was

¹¹⁹ Doug Battema, "Pictures of Bygone Era: The Syndication History of *Amos 'n' Andy*, 1954-66," *Television and New Media* 7 (2006): 3-39.

hurting the “psychological war” fought over domestic and international airwaves. By characterizing the show as vulgar and in poor taste, and by insisting that it robbed African American citizens of their full citizenship rights, the NAACP posited that the show was not serving the public interest. By boycotting the sponsor, and by enlisting over 100 organizations to join its boycott, the NAACP further tried to exert economic pressure and to flex the financial muscle of the African American community. And by launching its campaign at a moment when the nascent television industry was still in flux, the NAACP tried to take advantage of this time of relative uncertainty to influence the future of television programming.

In the process, the NAACP contributed to the discursive construction of television and its audience. Despite the NAACP’s inaugural role in citizen activism to reform television, this early campaign was essentially conservative in its aims and strategies. In its protests, the NAACP reinforced the commercial structures of the television industry and the relegation of the public as consumers whose agency came from its ability to buy sponsored products. It did not, in other words, assert a need for diversity in ownership of broadcast stations or active public participation in the production of programming; rather, the protests served to naturalize the economic relationships of the broadcast industry by basing central campaign strategies upon them.

Significantly, the NAACP’s use of an economic boycott to influence television programming inaugurated what would become a persistent television reform strategy and, consequently, a pervasive lens through which activists would define the power of the public to affect broadcasting policy decisions. For example, twenty years after the *Amos ‘n’ Andy* protests, when the character Maude decided to have an abortion on the eponymous television series, advocates on both sides of the abortion issue put pressure on the show’s sponsor alternately to support or abandon the series. In 2004, conservative

groups threatened sponsors of the CBS miniseries *The Reagans*, effectively pushing the network to air the show on Showtime, the pay cable network owned by parent company Viacom. Indeed, the “voting with your feet” approach to television reform, enfolded into the discourse of consumerism, saw its earliest widespread use by the NAACP, but became a central activist strategy for decades to come.

The NAACP, in its campaign against *Amos ‘n’ Andy*, also tried to show the public, the industry, and its regulators how to expand the construction of who constitutes television’s audience and the responsibilities of broadcasters and sponsors to that audience. Viewers were not only construed as empowered consumers, but also as individuals incapable of discerning depictions from reality, or racist images from the people that they caricature. Thus, if the responsibility of broadcasters was to serve the public interest, and the task of the FCC to ensure it, then the NAACP illustrated the need to expand upon the definitions of offending programming to take into consideration shows based on hurtful caricatures or stereotypes.

Television programs held tremendous import in the shaping of cultural perceptions and, by extension, could influence the nation’s progress toward racial equality. Wrapped up in the reformist aspirations of the NAACP were the content of television programs; a key part of its broader reform strategy was its campaign against offending media representations. Thus, the NAACP’s efforts brought television into the fold of American reform movements. By tying *Amos ‘n’ Andy* to race riots and Soviet propaganda, the NAACP envisioned television as an important arbiter in American political and social life and suggested that television would be an important battleground in the fight for social justice and the health of the American democracy.

Chapter 3: From Educational to Public Television: Creating an Alternative to Commercial Broadcasting

For people of widely different political persuasions, public broadcasting in the United States long has been a disappointment. Dating back to the early 1970s, conservatives have viewed public broadcasting as the mouthpiece of the political left and continually have called its legitimacy into question, most directly by threatening its funding.¹²⁰ Dubbing the Public Broadcasting System (PBS) an elitist enterprise, they have questioned the wisdom of using taxpayer dollars to fund a system that serves a small and privileged audience. Progressives increasingly have become disenchanted with public broadcasting as well. Pointing to, in their view, the escalation of conservative voices on public affairs shows, and especially the expanding role corporations in financing programming, activists on the left have questioned what makes public broadcasting “public” and whether the system is worth saving from the perennial conservative attacks.¹²¹ At stake in these debates is whether there is a need for a noncommercial broadcasting alternative and, if so, if PBS comes close to fulfilling this mission.

The basis for public broadcasting, which Congress created with the Public Broadcasting Act of 1967, was that television’s potential could not be realized by commercial stations alone. Freed from the constraints of commercialism, public broadcasting could provide a space for creative experimentation, diversity of voices and

¹²⁰ See, for example, William Hoynes, *Public Broadcasting for Sale: Media, the Market, and the Public Sphere* (Boulder: Westview Press, 1994), 3-4.

¹²¹ William Hoynes, “The PBS Brand and the Merchandising of Public Service,” in *Public Broadcasting and the Public Interest*, eds. Michael McCauley, Eric E. Peterson, B. Lee Artz, DeeDee Halleck (Armonk, New York: M.E. Sharpe, Inc., 2003), 50-51. Peter Hart of Fairness and Accuracy in Reporting, in a panel at the 2007 National Conference on Media Reform, similarly questioned whether PBS, with in his view its shift to the right, was fulfilling its public service mandate. Indeed, one of the most persistent complaints at the 2007 conference amongst activists on the progressive left were targeted toward public broadcasting.

viewpoints, and locally-produced programming. The new service was to be—at its best—culturally and politically revolutionary. It was to yield a more informed citizenry and expose a wide audience to the best works of art and culture the nation had to offer. It was to transform the television medium itself, expanding the desires and wants of the viewing public and encouraging a rise in the quality of all programming. Public broadcasting could accomplish these high ambitions because it would exist outside the confines of commercial television.

Public broadcasting has its origins in educational broadcasting, which is just about as old as broadcasting itself in the United States. The expansion of commercial broadcasting, along with the regulatory system that bolstered it, threatened educational broadcasters who continually fought to retain a place within the broadcast spectrum. Educational broadcasters folded radio and television within the broader edifice of mass education and imagined that it could help mitigate against the social inequalities resulting from diverging educational opportunities afforded to people based on class and region. Their goal was to maintain broadcasting stations controlled by educators; they imagined broadcasting's purpose to edify and educate, not solely entertain, audiences. It was the issues of control and content, not funding, which initially defined educational broadcasting as distinct from commercial stations.

This chapter examines the work of educational broadcasters and private philanthropic foundations, including the Carnegie Corporation and the Ford Foundation, in their fight for educational, and later public, broadcasting stations. One of the goals of the chapter is to tease out the distinctions between “educational” and “public” broadcasting. I argue that with the shift from educational to public broadcasting came an attending redefinition of the purpose of the stations. If educational broadcasting was defined by who controlled the stations and the function of its programming, public

broadcasting largely became characterized by its funding. Whereas educational broadcasters drew on the discourse of equality to legitimate their existence—their stations could provide equality of educational opportunities, equality of access to culture and political debate—public broadcasting advocates appealed to notions of freedom, in particular the freedom from the constraints of commercialism. In this way, public broadcasting became synonymous with noncommercial broadcasting, its objective to provide the “diverse” and “excellent” programming that commercial broadcasters, because of their reliance on advertising dollars, could not schedule.¹²²

In addition, this chapter brings educational and public broadcasting within the broader discussion of media reform activism. For educational broadcasters and the foundations that supported much of their work, radio and television were a means to ameliorate social inequalities by democratizing access to education and culture. Though rooted in entrenched and unexamined ideas about quality and cultural hierarchy, the work of educational broadcasters to secure an alternative to commercial stations intended to transform the body politic by making mass education available through broadcasting. In the process, they repurposed the use of the broadcasting media and hoped that their work would procure transformations in the programming of commercial stations and the viewing practices of audiences themselves.

Specifically, I focus here on how educational broadcasters initially sought television licenses and reserved broadcasting frequencies; once secured, they set their sights on federal funding for the stations, first with the Educational Television Facilities Act (1962) and ultimately with the Public Broadcasting Act. To make the case for broadcasting licenses, educational broadcasters underscored their own expertise and

¹²² These terms, diverse and excellent, recur throughout the Carnegie Commission’s report on educational television, *A Public Action*, and are reiterated in the Public Broadcasting Act, as the key descriptors of public television.

public service intentions as educators, and contrasted their programming priorities with that of commercial stations. In their campaign for federal monies to support the stations, educational broadcasters and their supporters tied their cause to issues of national importance. In particular, they linked the success of educational broadcasting to Cold war anxieties and the fight against communism, public broadcasting to Great Society ambitions and the eradication of the divisions within the nation exposed by 1960s social movements.

Finally, this chapter illustrates how commercial broadcasters became important allies to these activists. Initially, commercial broadcasters worked to undermine educational broadcasters in their claims for broadcasting licenses. Once secure in their own dominance in broadcasting, commercial broadcasters acted as tremendous supporters to the educational, and later public, broadcasting cause: not only did they lend technical support and expertise to the broadcasters, but testified on their behalf at hearings for the Educational Television Facilities Act and the Public Broadcasting Act. Indeed, acknowledging how a healthy noncommercial broadcasting sector could temper their own public service obligations, commercial broadcasters saw how their own interests could be served by supporting an alternative to commercial broadcasting. Thus the case of educational broadcasters marks a moment within the history of television reform in which commercial broadcasters were allies of reformers and not the target of the reform objectives themselves. Perhaps unsurprisingly then, in advocating for an alternative to commercial broadcasting, educational broadcasters simultaneously naturalized and legitimated the dominance of commercial stations and the programming priorities of a financing structure predicated on ad revenue: hampered by the constraints of a profit-driven system, commercial broadcasters could only do so much toward their public

service goals. This discourse served to bolster the claims of educational broadcasters and to insulate commercial broadcasters from criticisms of their public service performance.

Not only does the ultimate cooperation of the commercial broadcasting industry differentiate this case study of television reform from the others in this dissertation, but so too does the position of the reformers themselves. Unlike the other media activists discussed here, the educational broadcasters were both insiders and outsiders: broadcasting practitioners, yet ones who existed outside of the dominant structures of the broadcasting industry. Indeed, it was their tenuous position that provided the impetus for their activism and for the formation of supporting institutions to organize their efforts. However, as this chapter will illustrate, what binds the educational broadcasters and the philanthropic foundations that supported them to the narrative of television reform is how they enfolded television within a wider social movement, in this case educational reform.

PRELUDE: HISTORY OF EDUCATIONAL RADIO

The struggle of educators to retain a voice in the ether dates back to the early days of radio. As the contours of broadcasting policy took shape, educational broadcasters—who had been among the earliest innovators and experimenters with the radio medium—increasingly found themselves sidelined or silenced within the emerging American broadcasting industry. As this section will show, educational broadcasters’ battles over radio foreshadowed many of their struggles over television: access to licenses, funding problems, technical difficulties, and the initial hostility of a burgeoning commercial industry. Furthermore, though educational broadcasting had advocates in Congress, both legislation and FCC policies in this early period tended to dismiss the claims of educational broadcasters, seeing commercial stations as more than competent to fulfill the public service mission that educators promised would be at the center of their own

broadcasting practices. In turn, educational broadcasters built the central organizations that would support their movement for decades to come and they formed important alliances during this era with other constituencies who saw in broadcasting greater potential than what national commercial networks had to offer.

Educational broadcasting is nearly as old as broadcasting itself. Universities, especially physics and engineering departments, operated some of the earliest radio stations in the United States. Land-grant colleges in particular used their radio stations to extend their educational mission to the wider communities amongst whom they lived.¹²³ In 1916, fifteen educational institutions received radio licenses from the commerce department.¹²⁴ Indeed, up until World War I, radio amateurs and universities were some of the most active users and experimenters with this new technology. During the war, acting on a provision of the Radio Act of 1912, the navy took control of all radio transmitters and domestic radio experimentation stopped temporarily. But in its early years, as Susan Douglas and Thomas Streeter have illustrated, multiple communities—including educators—experimented with radio and imagined widely different social uses for the new technology.

Radio in the United States changed dramatically after WWI, most notably during the 1920s, a period often referred to as the “broadcast boom.” At this time, the system of radio that is now familiar to us took shape. Early in the decade, many different communities owned radio stations and received broadcasting licenses: colleges and universities (by 1923, over seventy educational institutions had radio stations)¹²⁵, churches, department stores, newspapers, theaters, banks, municipalities, and members of

¹²³ Ralph Engelman, *Public Radio and Television in America: A Political History* (Thousand Oaks: Sage Publications, 1996), 15. Land grant colleges were Wisconsin, Nebraska, North Dakota, Nebraska Wesleyan.

¹²⁴ *Ibid.*, 15-6.

¹²⁵ *Ibid.*, 17.

the Radio Trust.¹²⁶ In the early part of the 1920s, AT&T experimented with “toll-broadcasting,” a system by which the company would lease broadcasting time to anyone who wanted to transmit a message over the airwaves and laid the foundation for commercial sponsorship. Initially, however, most broadcasters and sponsors alike were wary of radio advertising. They feared that because of radio’s location in the home, which fostered an intimacy with its listeners, listeners would greet advertisements with either resentment or anger. Broadcasters worried that listeners would cease to listen; advertisers were nervous that they would turn against the emerging--yet still nascent--advertising industry. Stations experimented with indirect advertising, which consisted of programs whose titles or central characters included the name of the product that was paying for the show, but which contained no explicit advertisements. As listeners expressed preference for sponsored shows, broadcasters and advertisers became bolder in their promotion of products and radio broadcasting became increasingly commercialized.¹²⁷

As radio grew in popularity, and as stations proliferated, Secretary of Commerce Herbert Hoover held four national radio conferences to determine a better way to regulate this medium. Under the Radio Act of 1912, the secretary of commerce had the authority to issue radio licenses to qualified applicants; however, the secretary did not have the authority to deny a license to a qualified applicant nor to regulate the use of the airwaves to reduce interference. The explosion of broadcasting stations in the 1920s seemed to

¹²⁶ The Radio Trust refers to a patent-pooling agreement amongst four of the major players in the nascent years of radio: Westinghouse, General Electric, AT&T, and RCA. The latter company was established after WWI, at which time the government pressured Marconi to sell his company, American Marconi, to American business interests. The result was the Radio Corporation of America, of which Westinghouse, GE, and AT&T held stock. These four companies held the primary patents for the manufacturing of radio transmitters and receivers. See Susan Douglas, *Inventing American Broadcasting, 1899-1922* (Baltimore: Johns Hopkins University Press, 1987), 288-292.

¹²⁷ Susan Smulyan, *Selling the Air: The Commercialization of American Broadcasting 1920-1934* (Washington: Smithsonian Institution Press, 1994), 94-122.

necessitate a different regulatory structure, and the radio conferences intended to map one. In 1925, at the fourth radio conference, educational broadcasters banded together and formed the Association of College and University Broadcasting Stations (ACUBS) to advocate for the interests and needs of educational broadcasters at a moment when the contours of the nation's broadcasting system were taking shape. Asserting that radio is "one of the most important factors in our national and international welfare," ACUBS's constitution defined its purpose to promote educational broadcasting in order to foster "the dissemination of knowledge to the end that both the technical and educational features of broadcasting may be extended to all."¹²⁸ This vision of broadcasting would re-emerge in the battles over educational television, both in its breadth and in the democratic principles that undergirded its purpose.

The Radio Act of 1927, the result of Hoover's radio conferences, created the Federal Radio Commission (FRC), a temporary regulatory agency that was to allocate radio frequencies to applicants best able to serve the "public interest, convenience, or necessity." The FRC was to set a fixed number of how many licenses to be allocated and to prioritize who would receive one based on the "public interest" criterion. ACUBS lobbied for channel reservations for land-grant colleges which the FRC denied to avoid the precedent of granting "special interest groups" licenses. As the FRC would articulate in 1929, the stations in its view best capable of fulfilling the "public interest" mandate of the Radio Act were "general interest" stations, typically seen at this time as commercial broadcasters. The FRC expressed a strong hesitance to "balkanize the dial" by granting "special interest" broadcasters--educators, labor unions, churches--broadcasting licenses. In this regard, the FRC set the terms that would continue to define broadcasting. By

¹²⁸ Harold E. Hill, *The National Association of Educational Broadcasters: A History* (Urbana: National Association of Educational Broadcasters, 1954), 4.

constructing a binary in which commercial broadcasters were addressing the general population, other communities “special interests,” the FRC naturalized a broadcasting system predicated on national commercial networks and cast suspicion on other uses of radio.¹²⁹

As such, the regulation schema enacted by the Radio Act of 1927 had hazardous consequences for educational broadcasters. In 1927, ninety-four educational institutions had broadcasting licenses. This number dwindled to forty-nine by 1931.¹³⁰ The FRC reassigned educational broadcasters to less desirable frequencies, reserving the more powerful ones for commercial broadcasters. In addition, educational broadcasters often were required to share time on a new frequency with a commercial station; the latter would be allowed to broadcast during the prime-time evening hours, devastating the adult education programs that were a staple of educational broadcasters. Furthermore, the costs of expensive equipment requirements and of litigation to preserve frequencies pushed many educational broadcasters to give up their licenses. When Congress renewed the Radio Act in 1928, it omitted the Davis Amendment, which would have ended regulatory discrimination against non-profit and local broadcasters. Indeed, the message from on-high to educational broadcasters was that their days were numbered.

In 1930, educational broadcasters organized to fight for access to the radio spectrum. Congress was considering revising the 1927 act, and educational broadcasters hoped that the new legislation could be more favorable to their interests. In October, the US Commissioner of Education held a conference in Chicago to discuss radio and education. The conference resulted in two resolutions: the establishment of a committee to make recommendations to protect and promote broadcasting by educational

¹²⁹ “The Great Lakes Statement,” in *Documents of American Broadcasting*, ed. Frank Kahn (Englewood Cliffs: Prentice-Hall, Inc., 1984), 64-68.

¹³⁰ Engelman, 24

institutions; and a recommendation to Congress to reserve, permanently and exclusively, fifteen percent of all radio frequencies for educational institutions and governmental educational agencies. The following January, the National Committee on Education by Radio (NCER) formed, funded by the Payne Foundation. NCER, the representative of nine educational organizations, acted as the primary advocate for favorable legislation for educational broadcasters. It additionally supported educational broadcasters through a service bureau and a weekly bulletin to encourage public support of educational broadcasting.¹³¹ During the period between the passage of the Radio Act of 1927 and the Federal Communications Act of 1934, educational broadcasters also joined in with a broadcast reform movement composed not only of educators, but intellectuals, churches, civil libertarians, intellectuals, private foundations, labor unions, and agricultural interests. The movement worked to dismantle a broadcasting system dominated by national networks, supported by advertising.¹³²

If a tremendous problem for educational broadcasters during this period was their frequency allocations, another was a lack of money; these twin problems--technological and financial--would recur throughout the history of educational broadcasting in the United States. Some educational broadcasters sold airtime in order to finance their stations, and others leased their facilities to commercial interests. In other words, though these stations were not for-profit, as were commercial broadcasters, selling airtime was a way to sustain the costs of operating a broadcasting station. During this period, therefore, educational broadcasting was *not*, by definition, noncommercial broadcasting. Though many educational broadcasters looked negatively on selling time, the practice was not

¹³¹ Hill, 8-9.

¹³² An excellent account of this movement is in Robert McChesney's *Telecommunications, Mass Media and Democracy: The Battle For Control Over U.S. Broadcasting* (New York: Oxford University Press, 1993).

antithetical to the mission and purpose of educational broadcasting. What distinguished educational broadcasters from commercial broadcasters was their programming goals, their affiliation with educational institutions, and their vision of radio as a technology that could expand, improve, and revolutionize American education. Though these stations were non-profit, not all were noncommercial. Some educational broadcasters at the time believed that they could achieve their mission within a financing structure that allowed for the selling of airtime.¹³³

Educational broadcasters suffered two major setbacks in the early 1930s: the failure of the Wagner-Hatfield Bill and the passage of the Federal Communications Act of 1934. The Wagner-Hatfield Bill proposed to void all existing broadcasting licenses and to implement an allocation system that would reserve twenty-five percent of the most desirable frequencies for educational, religious, or nonprofit groups. The commercial broadcasting industry launched an effective public relations campaign to squash the bill.¹³⁴ Perhaps ironically, its efforts were bolstered by the National Advisory Council on Radio in Education (NACRE). Financially supported by the Carnegie Corporation and the Rockefeller Foundation, NACRE promoted educational programming for commercial stations. Unlike NCER, which advocated the reservation of stations for educational institutions, NACRE thought commercial broadcasters were best able to provide educational shows to a listening public. In the early 1930s, the emerging commercial radio networks cooperated with NACRE and aired programs provided by its service.¹³⁵ In providing educational programming to commercial stations, NACRE helped these broadcasters prove that commercial stations could be effective conduits for public service programming.

¹³³ Hill, 13.

¹³⁴ Ibid., 34-35.

¹³⁵ Engelman, 30-32.

The passage of the Federal Communications Act of 1934 was a near word-for-word repetition of the Radio Act of 1927. It established the Federal Communications Commission (FCC), a permanent regulatory agency that would have jurisdiction over all telecommunications, not just radio. As it offered no serious revision to the current regulatory structure of broadcasting, the act sanctioned the system of broadcasting that had been developing since the 1920s, one dominated by commercial national networks and that sidelined nonprofit broadcasters. Though section 307 (c) of the act required the FCC to study whether there was a need to allocate a fixed percentage of licenses to non-profits, it was perhaps no surprise that the following year the FCC found no such need.¹³⁶

In 1934, ACUBS changed its name to the National Association of Educational Broadcasters (NAEB). The new name symbolized a wider mission and greater inclusiveness for the organization. Any educational broadcaster, whether airing programs over a university-owned station or a commercial station, could be part of this new organization. NAEB was to be a central organization not only in continuing to advocate for educational radio, but also for educational television. Fashioning itself an advocate for the professional interests of educational broadcasters, the NAEB did not, as earlier educational groups had, fight to restructure and rethink the structures of American broadcasting.¹³⁷ And though networks had collaborated with educators in the 1930s, primarily through NACRE, by the end of the decade they were creating sustaining programs in-house.¹³⁸ NACRE ceased operation in 1941.¹³⁹

¹³⁶ Hill, 20.

¹³⁷ Ibid., 19-20.

¹³⁸ A sustaining program was a show that a commercial station would broadcast without a sponsor. Sustaining shows were ways for commercial broadcasters to prove to the FCC that they were fulfilling their public interest requirements. In the early 1960s, the FCC notified stations that it would consider commercial programs as legitimate sources of public interest programming and sustaining shows all but disappeared.

¹³⁹ Engelman, 36

Though educational, and later public, broadcasters would continue to agitate for a place in the broadcast spectrum, their efforts and their rhetoric increasingly accepted the dominance of commercial network broadcasting. As Ralph Engelman writes, “[b]y the 1940s, challenges to the network and advertising-dominated broadcasting system were outside the pale of legitimate discourse.”¹⁴⁰ Throughout these early battles over broadcast regulation, the networks positioned advertising-supported broadcasting as classically American. Rooted in an alleged free market system, they argued that commercial broadcasting existed outside of governmental control and influence. Advocates suggested that advertising dollars, unlike other forms of financing, would best serve the public because of it was predicated on the desire to reach the widest possible audience; noncommercial stations, without the need to produce ears for sponsor messages, could easily become propaganda stations. In this period, therefore, the networks won not only the battle over radio’s regulatory structures, but also the fight over popular conceptions of the purpose of this emerging medium. Sensing the threat being posed to them by educational broadcasters, the networks positioned non-network, non-profit radio as adversarial to the interests not only of commercial broadcasters, but to the listening public at-large. In this, they drew on a discourse that conflated consumer choice with democracy and on burgeoning fears of the link between the mass media and propaganda circulating in the 1930s.¹⁴¹

In 1938, when the FCC reserved channels for educational broadcasters in the new experimental FM band, it designated these licenses as “noncommercial,” a class of license that later would apply to educational television stations.¹⁴² This designation would prove to be a catch-22 for educational broadcasters. On the one hand, the FCC

¹⁴⁰ Engelman, 40.

¹⁴¹ See McChesney, 107-121, 151-177 .

¹⁴² Hill, 22.

was reserving a portion of the broadcast spectrum for educational purposes; on the other, by licensing them as noncommercial stations, the FCC cut off what had been a financing stream for earlier educational stations and contributed to the economic crises that continually would plague educational broadcasters. The noncommercial designation was to guarantee the “purity of motive and the earnestness of intention” of the broadcasters and to free them from having to compete with commercial broadcasters.¹⁴³ Simultaneously, and from a regulatory perspective, it defined educational broadcasting in terms of its funding structure. In contrast, while educational broadcasters would work within the limitations of a noncommercial license, they insisted that what made educational broadcasting essential was its position within the broader edifice of education and its commitment to edifying and educational programming.

As the next sections will illustrate, the two persistent problems facing educational broadcasters, technical and fiscal, were tied to the regulatory paradigm under which they operated. As they secured frequencies in television broadcasting, educational broadcasters turned their reform efforts to remedying their financial and technical burdens. In addition, as commercial broadcasters became more secure in their dominance within broadcasting, they embraced and encouraged educational, noncommercial broadcasters. Rather than seeing this other use of broadcasting as adversarial, they soon understood that educational broadcasting posed no financial threat and could ease their own public service burdens. What resulted was a movement, often supported by commercial broadcasters, that looked to federal financing for educational broadcasters. As the next sections will discuss, this movement required a re-definition of television’s

¹⁴³ W. Wayne Alford, *National Association of Educational Broadcasters History, Volume II 1954-1965* (Urbana: National Association of Educational Broadcasters, 1966), 8.

social and cultural role, one that exploited cold war anxieties and Great Society ambitions.

EDUCATIONAL TELEVISION I: DEFINITIONS, DIFFICULTIES, AND OPPORTUNITIES

It should come as no surprise that Marshall McLuhan was an advocate of educational television. When he addressed broadcasters at a 1958 convention sponsored by the NAEB and the U.S. Office of Education, his talk anticipated the insights and theories of media that would make him famous six years later with the publication of *Understanding Media*. McLuhan emphasized that the stresses facing contemporary educators resulted from the use of outmoded educational strategies, ones that were rooted in the linear thinking promoted by an age dominated by print. In an age saturated by electronic media, McLuhan argued, new learning strategies were needed, ones that integrated and accounted for the impact of these media on the way that students experience the world.¹⁴⁴ Though some of the teachers in attendance feared McLuhan's theories would render them obsolete, and though his theory did not dominate the discourse of the convention, his insight that television would transform education was one shared by many in attendance.

And though McLuhan would continue to participate in NAEB events in years to come, the NAEB and other advocates of educational television took a different tack in advocating for educational broadcasting. As this section will illustrate, in the early 1950s, educational broadcasters made appeals to the FCC based on the limitations of the programming offered by commercial broadcasters. Asserting that the potential of television, defined in educational and cultural terms, could not be realized by commercial broadcasters, educational television advocates tried to secure television station licenses

¹⁴⁴ Alford, 60-1.

by defining themselves in opposition to commercial television. In addition, this reasoning aligned educational broadcasters with the spirit of public service broadcasting and proffered a definition of the public interest that identified the needs of the public as edification and enlightenment. Later in the decade, educational broadcasters tempered the comparison with commercial television in favor of a discourse that linked the importance of educational television to the cold war and to the project of spreading democracy at home. At this time, advocates of educational television stations stressed their role in improving the nation's educational system and stemming the "crisis" in education.

Educational broadcasters were a bit slow to recognize the potential of television. In 1948, when forty commercial television stations were in operation, only five educational institutions had their sights set on TV.¹⁴⁵ When the FCC declared a freeze of television station licensing in 1948, educational broadcasters recognized that they needed to organize and agitate if they were to have a place in the FCC's new regulatory framework for television. In 1950, the NAEB and members of the US Office of Education met to discuss lobbying for the interests of educational broadcasting. The result was the formation of another organization, the Joint Committee (later Council) on Educational Television (JCET).

In anticipation of FCC hearings the following month, JCET's first goal was to raise money to secure educators to testify. In November, JCET and NAEB circulated a letter articulating the crisis looming not just for educators, but for the nation at large if television were to be regulated as had AM radio. The letter stated, "If we do not act now, television will go the way of radio and this magnificent educational and cultural medium

¹⁴⁵ Alford, 2.

will be lost to the people irrevocably.”¹⁴⁶ This sentiment would reoccur consistently in the rhetoric of educational and public broadcasting advocates. Positioning their approach to broadcasting as fulfilling the more noble and important function of the medium, these activists simultaneously constructed the viewing public as a population due enlightenment and culture. Furthermore, this vision of television suggested that the medium itself brimmed with promise, that it inherently was a “magnificent educational and cultural medium,” if only the FCC would allow this potential to be tapped. Implicit in these remarks was a chastisement of the performance of commercial broadcasters, whose use of the airwaves ignored its possibilities. In the JCET memorandum presented to the FCC at the hearings, the Committee continued in this vein: “We merely insist that universities and public service agencies devoted to the physical, mental and moral well-being of the population have a right to operate their own television facilities.”¹⁴⁷ In this, the educators suggested that the commercial broadcasters, who had “despoiled” radio, did not have a similar consideration for the well-being of the public.

At these hearings, more than seventy witnesses testified on behalf of educational television, led by the US Commissioner of Education. In addition to university presidents, professors, and school superintendents, senators, congressmen, labor and parent association leaders made the case for educational broadcasting. JCET’s witnesses advocated for both Very High Frequency (VHF) and Ultra High Frequency (UHF) stations to be reserved for educational broadcasters.¹⁴⁸ One of the more persuasive presentations was of a monitoring study of twelve hours of programming on seven New York stations. The study indicated that of all the programming, only thirty minutes had

¹⁴⁶ “Educators Take Up Torch,” *Broadcasting, Telecasting*, December 4, 1950, 55.

¹⁴⁷ “Educators Take Up,” 55.

¹⁴⁸ Before the freeze, the FCC only had sanctioned the use of VHF channels (2-13) for television. At issue during its four year discussion was whether to allow broadcasts in the UHF (14+) band as well. Though there are far fewer VHF channels, they are of a higher quality than UHF.

been sponsored by a school of any sort, and less than one percent of the shows were designed for children.¹⁴⁹ This evidence supported one of the major contentions of the witnesses: commercial stations could not, and would not, provide educational programming, which necessitated the licensing of educational broadcasters.

FCC Commissioner Frida Hennock, an early advocate for educational television, pushed for allocations for educational television stations. Emphasizing that the “public is the actual owner of television,” Hennock recommended that twenty-five percent of the new stations be reserved for educators. She stated in a 1951 address, “Television has enormous potential for improvement and good—for spreading knowledge, enlightenment and culture to every adult and child throughout the entire United States.” She continued,

No one ever denies the crucial importance of free public education in our democracy. Everyone is in agreement on the limitless teaching potential of television. Similarly, the inability of educators to compete with commercial interests for available frequencies is recognized. Yet there are those who balk at giving education any substantial access to television on the ground that this valuable medium will be badly used and wasted by educators. I, for one, am not so hesitant. I would entrust television to educators just as I trust them with the development and training of the minds of our children.¹⁵⁰

Much like educational broadcasters, Hennock enfolded educational television within the institution of education and asserted that educators were particularly capable of realizing the potential of the new medium.

In contrast, the Ford Foundation, which would become one of the biggest supporters of educational and public broadcasting, initially imagined that commercial stations could be a strong vehicle for educational shows. In a move similar to that of the NACRE, the Ford Foundation in 1951 brought commercial broadcasters together in Washington to discuss how they could provide adequate educational programs on their

¹⁴⁹ Alford, 11.

¹⁵⁰ “See ’51 Advances: Yearend Roundup,” *Broadcasting, Telecasting*, January 1, 1951, 36.

stations. Understanding that the significant impact of television on the country would be through commercial broadcasters, the foundation at this point determined to work with commercial television to advance educational goals. The foundation proposed a radio and television workshop that would work with commercial broadcasters to provide educational programming to air over network television. At this time of transition for television, when commercial broadcasters feared that educational groups would receive a substantial number of the available broadcast frequencies, they welcomed the overtures of the Ford Foundation as did *Broadcasting*, the industry's trade journal. It editorialized, "The union between commercial broadcasting and the giant philanthropy that is the inheritance of a great businessman is, at its outset, of obvious compatibility. It should produce an admirable heritage."¹⁵¹ Senator Lyndon Johnson (D-Tex.) also supported this enterprise, predicting that the best way that television could be put to educational purposes was through a collaboration of educational institutions and commercial broadcasters.¹⁵² Station owners themselves encouraged educators to abandon their quest for stations and to work with commercial television stations to broadcast educational programming.¹⁵³

In August 1951, the Ford Foundation created its Television–Radio Workshop. The Workshop was the brainchild of James Webb Young, formerly of the J. Walter Thompson Advertising Agency, who operated it under the auspices of the foundation's Fund for Adult Education (FAE). Financed by a \$1.2 million grant, the workshop was to create shows that combine "cultural, public service, and entertainment qualities" for broadcast over commercial stations. To sustain the workshop, its programs would be

¹⁵¹ "Ford in Your Future," *Broadcasting, Telecasting*, June 18 1951, 50.

¹⁵² "Educational Cooperation: Johnson Forwards Student's Views to FCC," *Broadcasting, Telecasting*, July 9, 1951, 65.

¹⁵³ "Educators Advised: Cooperation is Best," *Broadcasting, Telecasting*, July 23, 1951, 65, 73.

sold to advertisers; the grant was for initial set-up costs, the hope of the foundation that the workshop ultimately would be self-supporting.¹⁵⁴ Perhaps the workshop's most visible program was *Omnibus*, a 90 minute program hosted by Alistair Cooke, a variety show that blended highbrow and popular culture performances.

The workshop, along with the FAE that housed it, resulted from a redefinition of the purpose and scope of the Ford Foundation. The foundation, which began in 1936, initially had much smaller aims--both in terms of its philanthropic mission and the scope of its giving. From 1936-50, the foundation gave \$19 million, primarily to local causes in Detroit such as symphonies and hospitals. Edsel Ford died in 1943, Henry Ford in 1947. The two had owned almost all of the stock of the Ford Motor Company, at the time the largest corporation in the United States. In order to prevent the Ford heirs from paying huge inheritance taxes, ten percent of the stock went to the heirs, ninety percent to the foundation; all of the voting stock was in the ten percent given to the heirs. Quickly, under pressure from Congress and competitors, the Ford Foundation sold some of its Ford Motor Company stock. Congress did not look well on the use of private foundations as a way to retain control of a corporation; competitors, who had publicly-held stocks and were responsive to the demands of shareholders, resented that all of the Ford stock was held in-family. The foundation, however, had needed to map how it would spend the revenue it would receive from the sale of stock. It commissioned H. Rowan Gaither in 1948 to study how it should allocate its money. Gaither's 1949 report became the "Magna Carta of the new and great Ford Foundation," and outlined the priorities for the foundation.¹⁵⁵ Premised on the belief that the most critical problems of the age were fundamentally social, the report identified five program areas for the

¹⁵⁴ "Ford Creates Workshop: Backed by \$1.2 Million Fund," *Broadcasting, Telecasting*, August 6, 1951, 23, 38.

¹⁵⁵ Dwight MacDonald, *The Ford Foundation: The Men and the Millions* (New York: Reynal, 1956), 11.

foundation: establishment of peace (through international programs that swayed nations to be friendly with the United States), strengthening of democracy (encourage civil liberties, political action), promoting of education in a democratic society, improving the economy, and understanding individual behavior and human relations (promote the social sciences).¹⁵⁶ The foundation's investment in educational broadcasting, at this time through the workshop, was part of its larger project of promoting education.

Despite the support for endeavors like the Television-Radio Workshop, the FCC set aside stations for educational purposes. In March 1951, the FCC issued a notice of rule-making, in which it proposed that it would set aside 209 channels for educational television and requested statements and responses to this proposal. The JCET provided the FCC with 838 petitions in support of educational television reservations.¹⁵⁷ In its 1952 Sixth Order and Report, the FCC reserved 242 channels for noncommercial educational television; 80 channels were in the VHF bandwidth, 162 in UHF. FCC Commissioner Paul Walker insisted that the educators must "use or lose" the stations reserved for them, putting pressure on educators to realize quickly the potential they had ascribed to the medium, as well as the demand they had insisted existed in educational institutions for access to the airwaves.

The period 1952-1958 was one of mixed results for educational broadcasters. They faced two perennial problems: lack of money to support stations and UHF allocations. Licensed as noncommercial stations, educational broadcasters constantly searched for supporters for their mission. Typically, they received funding from states, municipalities, foundations, and individuals. However, they operated under the constant anxiety over how to keep their stations in operation and how to pay for programming. In

¹⁵⁶ Macdonald, 139.

¹⁵⁷ Alford, 13.

1953, the NAEB in collaboration with the Ford Foundation's FAE, started the Educational Television and Radio Center (later the National Educational Television and Radio Center, or NETRC), a program exchange service housed in Ann Arbor.¹⁵⁸ The NETRC distributed programs to member stations, primarily by sending tapes of programming through the mail.¹⁵⁹ Cognizant that some viewers perceived educational programming as boring, the NETRC demanded that shows they distributed embody the principles of good showmanship, be informative and mentally stimulating, and hold appeal to a general adult audience.¹⁶⁰ In addition the NAEB, beginning in 1954, held workshops for educational television stations to learn about the latest broadcasting equipment, supported by grants from the FAE. The goal of these workshops was to help noncommercial stations develop the professional "polish and depth" of commercial stations. Commercial broadcasters, including DuMont, CBS, and NBC participated in these workshops, providing speakers and equipment.

The second persistent problem faced by educational broadcasters was technical. The majority of the channels reserved for educators were in the UHF bandwidth. Before the freeze, the FCC had only licensed stations in the VHF bandwidth; many of the stations licensed at this time were owned or affiliated with NBC or CBS. After the freeze, the FCC licensed stations in both VHF and UHF, and communities often would have stations in both parts of the spectrum available to them. However, many of the television sets in operation only could receive a VHF signal. Broadcasters in UHF, therefore, not only had an inferior allocation but sometimes were broadcasting to a population who could not receive their signal.

¹⁵⁸ Ibid., 15.

¹⁵⁹ Alford, 20.

¹⁶⁰ Ibid., 32-3.

The launch of Sputnik in 1957 radically changed the prospects for educational broadcasters and provided them with a rhetorical frame that linked their mission and importance to the cold war. As Barbara Barksdale Clowse illustrates, Sputnik intensified an already existing perception that the quality of American education was intimately tied to the nation's success in the cold war.¹⁶¹ The need to produce scientists and engineers, as well as a universally literate population, seemed an essential component of the fight against the Soviet Union. In addition, the increase in school children (resulting from the baby boom) coupled with a lack of qualified teachers and facilities (the Depression had halted construction) fomented a sense of American education in crisis, one that had horrifying national security consequences. Sputnik accelerated these fears, as it seemed to provide evidence that the Soviet Union was surpassing the United States in its technological capabilities. While Presidents Truman and Eisenhower had supported federal aid to education since the end of World War II, it was not until this "crisis" that detractors in Congress conceded to allocate money for education.

In 1958, Congress passed the National Defense Education Act, a landmark bill that granted money to myriad areas in education including educational loans for higher education; promotion of science, math, and foreign language instruction; and funding for college preparation courses and counseling. Title VII of the bill provided funding to encourage the use of media in education. The National Defense Education Act thus legitimated the use of audiovisual media as a key part of educational reform, forcefully tied the quality of the nation's educational systems to its national security, and thus provided educational broadcasters with a powerful frame to justify continued federal

¹⁶¹ Barbara Barksdale Clowse, *Brainpower for the Cold war: The Sputnik Crisis and the National Defense Education Act of 1958* (Westport: Greenwood Press, 1981).

support of educational television,¹⁶² one that educational broadcasters would draw on in their push for the Educational Television Facilities Act.

Reputedly, the Educational Television Facilities Act grew out of a conversation at a party in 1956 between Senator Warren Magnuson (D-Wash.), chairman of the Senate Interstate and Foreign Commerce Committee, and a lawyer for the NAEB. Magnuson had been aware of the struggles of educational broadcasters for some time. Earlier that year, the JCET had sent him a letter outlining the problems of educational TV stations in the UHF band and making a series of recommendations to ameliorate the problem. At this party, the NAEB lawyer apparently told Magnuson, “what we need to do is just give every state a million dollars.”¹⁶³ The states, in turn, would use this allocation as seed money to develop educational television stations. The Educational Television Facilities Act, which passed the Senate three times before the House of Representatives finally adopted it in 1962, indeed provided for grants not to exceed \$1million to states for the purchase of equipment and facilities for educational television stations.

From the outset, advocates of the act foregrounded its importance to the educational system in the U.S. Magnuson introduced the hearings on S. 12, the second iteration of the bill, in January 1959, by stating:

This bill is intended to launch our country generally on the path of bringing into our educational system the tremendous advantage and opportunity afforded by the television medium. Its cost in actual dollars is modest. Its rewards are virtually unlimited when compared to the problems existing in the educational field today.¹⁶⁴

Magnuson, in this opening address, forecasted what would be a central theme of the hearings: the ability of educational television to help solve the educational crisis haunting

¹⁶² Ibid., 162-167.

¹⁶³ Alford, 38.

¹⁶⁴ Senate Committee on Interstate and Foreign Commerce, *Hearings on Educational Television Bill on S. 12*, United States Senate, 86th Congress, January 27-28, 1959, 2.

the nation at this time. The hearings, in some sense, inverted the way that advocates and detractors alike had discussed educational television. Previously, for example in the 1950 FCC hearings, the conversation had centered on why the nation's television system should include educational broadcasters; here, the focus was on why the nation's educational system needs television.

One consistent theme of the hearings was the role that educational television could play in the cold war. Ralph Steele, the executive directory of JCET, almost immediately evoked national security concerns in his testimony. Steele had visited the Soviet Union in 1958, where he had met with workers in the radio and television industries. "I found that there was a deep conviction of the importance and significance of television," he stated, "but the total concern was to use it for carrying on the same kind of internal propaganda that one finds in every newsstand, in every airplane, in every hotel. So I must say that if we are looking for areas of leadership over and above our opponent, the use of television for serious educational purposes is one of them." He continued that while the Soviets negatively evaluated much of the American educational system, they admired educational television a great deal. "I wondered then how long this leadership of the United States in the wise use of this dramatic new medium will continue unless we ourselves are not content with where we are but take it out to its legitimate and logical development."¹⁶⁵

The statement of NAEB president William Harley, submitted along side his testimony, echoed this sentiment. In it he wrote, "Let us hope that Russia does not have to launch the equivalent of a sputnik in the use of television for educational purposes in order to bring the breakthrough which American education so desperately needs if it is

¹⁶⁵ Senate Hearings, *Educational Television S. 12*, 50

again to seize a position of world leadership in education [...].”¹⁶⁶ In conclusion, he summarized: “Events of the first half of the 20th century, marked by two world wars, discovery of ‘the bomb,’ and culminating in space conquest, have shocked traditional education into an awareness that its problems do not and cannot end with halls of ivy and yesterday’s print-based curriculums. The classroom has become the community, the Nation, the world.”¹⁶⁷ Harley, like Steele, situated the urgency to develop educational television within a world crisis in which the United States, on the education front, seemed poised to lose. New conditions demanded new approaches to pedagogy and, according to advocates of educational broadcasting, television could help remedy the crisis in education.

A second prong of the educational crisis, as presented in the hearings, was the lack of qualified teachers and facilities to meet the tremendous rise of students to be educated. John Ivey, executive vice president of New York University and chairman of the Committee of Educational Television of the American Council on Education, testified to the role that television could play in alleviating this burden. Ivey anticipated that by 1970, the college population would increase by 100 percent. Television, according to Ivey, could provide high quality educational opportunities to many students, in essence allowing the wisdom and competence of a professor to be telecast to students far outside his or her own classroom. He stated, “When you put television into the formula you can project the personalities and performances of these top quality teachers throughout the land and do it in such a way that the intellectual resources of this country are not the particular monopoly of any small group of institutions which might ordinarily limit the enrollment to the number of students that they think meet the standards compatible with

¹⁶⁶ Ibid., 67

¹⁶⁷ Senate Hearings, *Educational Television Bill S. 12*, 69

their purposes and goals.”¹⁶⁸ Defining “our best scholars” as a “national resource,” Ivey encouraged the use of television to disseminate this resource to as many people as possible. Ivey positioned television as an answer to a forecasted demographic crisis facing higher education and as an antidote to the fundamentally un-democratic nature of higher education in which only a small select group have access to quality education.

Raymond D. Hurlbert, general manager of the Alabama Educational Television Commission, echoed many of Ivey’s points. Defining education as the “greatest natural resource,” Hurlbert attested to television’s ability in Alabama to democratize the availability of education, to equalize across class and geography students’ access to educational resources.¹⁶⁹ The potential for educational television, for Hurlbert, included expanding the impact of gifted teachers, educating homebound and disabled children, providing continuing education opportunities for adults, disseminating materials to students otherwise unavailable to them, and allowing parents and the public to be more involved in the educational process.¹⁷⁰ He also promoted educational television to help alleviate the problem of teacher shortages, especially in anticipation of the increased need for qualified teachers in years to come. Hurlbert argued that television, its “reality, immediacy, and versatility” was especially well-suited to be an innovative and powerful educational tool. He suggested, “The only insurance for the perpetuation of a democratic society is an informed electorate. With educational television, we have the means for fulfilling the responsibility for the education of the people of our country, young and old. It seems providential that we have at our command in these crucial times this great medium for mass communication in education.”¹⁷¹

¹⁶⁸ Ibid., 23

¹⁶⁹ Senate Hearings, *Educational Television Bill S. 12*, 34.

¹⁷⁰ Ibid., 36.

¹⁷¹ Ibid., 39.

Significantly, commercial broadcasters had linked commercial radio, rooted in the free market, as emblematic of the American way of life. Hurlbert here refocused this relationship and highlighted how equality of access, rather than the liberty inherent in consumer choice, defined the “American” potential of broadcasting. This sentiment reoccurred in Harley’s testimony, when he stated: “This is the greatest opportunity this Nation has ever had to make equality of educational opportunity available to everyone.”¹⁷² Harley reiterated,

As a nation, we are committed to equal educational opportunity for all. Yet today in hundreds of rural areas there are no teachers qualified to teach physics, modern languages, art, music, and many other urgently needed disciplines. Many paraplegics and many who are aged or infirm, or even simply ashamed to go back to school, perhaps with their children or grandchildren, are left unserved. The millions of illiterates we have, and refugees who need to learn our language and traditions, are unrealized resources of our Nation. The need is here. A tool is here, a powerful tool, to help solve those problems.¹⁷³

Harley defined the development of educational television as a tool of democracy and, like Hurlbert, pointed to the nation’s population as its great untapped resource. Casting the need to utilize television for educational purposes in ethical terms, Harley suggested that to allow television’s potential to go un-used was to abandon the principle of equality that allegedly undergirded the nation’s principles.

When Harley addressed the Senate in 1961 in support of S. 205--essentially the same bill as S. 12, which had failed to pass the House of Representatives--he presented letters by presidential candidates John F. Kennedy and Richard Nixon, both of whom supported the bill. The language of their letters reiterated the connections educators had been making about television’s ability to serve the nation, both to secure its national security and to realize its goal of equal opportunity. Kennedy’s letter stated, “The issue

¹⁷² Senate Hearings, *Educational Television Bill S. 12*, 66.

¹⁷³ *Ibid.*, 67.

of education is clearly bound up with our national stature: one cannot and has not through American history been achieved without the other.” It continued,

American progress and even our national survival is directly dependent on what we as a Nation do now about the shameful weakness and deficiencies of our educational system. [...] Television, a device which has the potential to teach more things to more people in less time than anything yet devised, seems a providential instrument to come to education’s aid.¹⁷⁴

Nixon’s letter used similar language: “This Nation must improve and make the fullest use of all educational means at its disposal in order to adjust the institutions and methods of democracy to the demands of a speeding world. In this regard, the leaders in educational broadcasting have a great opportunity as well as an obligation.”¹⁷⁵

Commercial broadcasters also testified in support of the bill. Donald McGannon, the president of Westinghouse Broadcasting Company, confirmed that though the primary--though not exclusive--function of commercial broadcasting is to entertain, it is in the national interest that educational television stations receive support and flourish. Westinghouse, as McGannon testified, had supported educational television through contributions of programming, technology, and monetary grants. He argued that the high costs and competitive nature of commercial broadcasting made it necessary for commercial broadcasters to “call on every showmanly and creative device we can contrive to hold the audience and prevent the viewers from straying to the competitive stations.”¹⁷⁶ The need, in other words, for truly educational programming could not be met according to McGannon by commercial stations because of the financial pressures they faced. He then stated, “if our people are to keep pace with our fast-changing times,

¹⁷⁴ Senate Communications Subcommittee of the Committee on Interstate and Foreign Commerce, *Hearings on Educational Television Bill on S. 205*, 87th Congress, United States Senate, March 1-2, 1961, 4.

¹⁷⁵ *Ibid.*, 5

¹⁷⁶ Senate Hearings, *Educational Television Bill S. 12*, 10.

education must not, cannot, stop with the diploma, or be restricted to the classroom. It must and can be carried out by television and radio and any other media we can devise.”¹⁷⁷ He continued that “the broadcasting industry needs this additional element, and failing to get it will always be a poor second in the most crucial area: the need to enlighten men.”¹⁷⁸ McGannon reiterated that broadcast media could expand and improve education and that it would be a travesty not to use powerful communications tool in this regard, while he simultaneously excused commercial broadcasters from a responsibility to meet this requirement themselves.

In the 1961 hearings, CBS president James Aubrey lent his support to the bill. Aubrey, infamous for his memo that defined the goals of CBS programming as “broad, bosoms, and fun,” characterized the potential of educational television as to “help broaden the intellectual and cultural horizons of all Americans, young and old.”¹⁷⁹ Like Westinghouse, CBS had supported the development of educational television, both in financial contributions and in programming offers. Aubrey suggested that federal investment in educational television would accelerate its growth, allowing communities who currently had no access to it to see its benefits and, in turn, invest in it themselves. However, he emphasized that his support for the bill was for funding for facilities and construction; Aubrey warned against the use of federal funds for programming, a use that the bill explicitly forbade anyway.

John L. Burns, the president of RCA, also testified in support of the act, his statement echoing many of the justifications of other advocates. Burns focused on the “educational gap” in the nation, positioning television as a way to breach it. Furthermore, he looked to the technology of television to function as a teaching tool, one

¹⁷⁷ Ibid., 12.

¹⁷⁸ Senate Hearings, *Educational Television Bill S. 12*, 12.

¹⁷⁹ Senate Hearings, *Educational Television Bill S. 205*, 20.

that could expand the pedagogical possibilities of teachers and cater to the pace of intellectual development of individual students.¹⁸⁰ Burns, in the questioning period after his testimony, reiterated his confidence in the potential of educational television, while stressing that it should remain outside the reach of commercial pressures. Justifying this position by attesting to the tremendous importance of education, and the need to ensure that it not “be diluted by anything else,” Burns stated that the appropriations of the bill would be adequate to spur educational television.¹⁸¹

What emerges from these hearings is a consensus over the potential of television to address the perceived “crisis” in education and to bolster the strength of the American citizenry, a task perceived of tremendous urgency during this cold war moment. Though the vision of television embodied in these hearings was not controversial, the use of federal funds to realize it was. Senator Frank Lausche (R-Ohio) in particular viewed the act through the lens of federalism. He questioned not the usefulness of a vibrant educational television system, but whether the states themselves--rather than the federal government--should bear the financial brunt of its development. He pointed to the fears over budget deficits and suggested that the potential costs of the program would exacerbate an already over-committed federal spending program. At one point, Senator John Pastore (D-R.I.) responded by stating: “If we educate our people and make them more worthwhile citizens and make them more instructive, more illuminated of mind, spirit, body, and soul, I think we have enhanced the wealth of the United States of America. I would even go for a \$4 billion imbalance in payment, if we could beat the Russians in better education.”¹⁸²

¹⁸⁰ Ibid., 80.

¹⁸¹ Senate Hearings, *Educational Television Bill S. 205*, 81.

¹⁸² Ibid., 102.

In the end, this rhetoric carried the day and the Educational Television Facilities Act became law in 1962. That same year, Congress passed the All Channel Receiver Act, which required television set manufacturers to produce television sets that could receive both UHF and VHF signals. Both acts were a tremendous boon to educational television. The former provided seed money to build up the infrastructure of educational television, the latter the conditions for all viewers to have access to it. Aside from the expansion of the financial and technical support, these acts also were symbolic victories for educational broadcasters. In previous legislative battles, both Congress and commercial broadcasters worked against the development of a broadcasting system seemingly at odds with the goals and structure of commercial network broadcasting. Here, advocates of educational television successfully situated its import within cold war anxieties and drew on concerns of the period--in particular the "crisis" in education--to make the case for federal support. The limited ambitions of the bill and the support it lent likely assuaged anxieties of commercial broadcasters over the growth of educational broadcasting. Furthermore, they saw that educational television, if expanded, could mitigate the public service responsibilities of the commercial broadcasters themselves.

EDUCATIONAL TELEVISION II: CAPABILITIES AND THE "QUALITY" AUDIENCE

As educational broadcasters looked to the federal government to ease both their financial burdens and their technical handicaps, they also critically examined their own practices and goals. In addition to meeting frequently to discuss the future of educational television, organizations like the Ford Foundation solicited studies to understand better the performance of educational television stations and the composition of its audience. They also held conventions to define further the purpose of educational broadcasting. In the process, the contours of educational television's importance, mission, and challenges

took greater shape. What emerges is a vision of educational television that reinforced its place within the broader system of American education. Furthermore, educational broadcasters, in contrasting the audience and programming of educational television, engaged in a discourse about commercial television that identified it with a debased, low form of mass culture and with a passive audience that uncritically consumes it.

As Laurie Ouellette has argued about public television in *Viewers Like You*, PBS emerged at a time of a mass culture critique of television that conflated the popular with the bad and mindless and that characterized commercial television programming as a “vast wasteland.”¹⁸³ To persuade for the need for public television, according to Ouellette, its advocates reinforced view and positioned public broadcasting as an agent that could irrigate the “wasteland.” For Ouellette, then, a seminal problem with public television, one she has traced to the period in which it began, centers on the inherent elitism of this cultural discourse and the unexamined aesthetic hierarchies on which it is predicated.¹⁸⁴ As this section will illustrate, this construction of commercial television operated as a foil for educational broadcasters as well, as educational broadcasters went about defining the purpose, scope, and significance of their programming.

For example, in September 1959 educators, government officials, station owners, and representatives from private foundations met in Washington, DC to discuss the possibilities of networking educational broadcasting stations. Buoyed by Title VII of the National Defense Education Act, the National Association of Educational Broadcasters (NAEB) sponsored the conference at the invitation of the Office of Education, a part of the Department of Health, Education and Welfare (HEW). Though the ostensible

¹⁸³ This phase originates in FCC Chairman Newton Minow’s 1961 address to the National Association of Broadcasters. See Newton Minow, “Television and the Public Interest,” <http://www.americanrhetoric.com/speeches/newtonminow.htm> (accessed July 1, 2004).

¹⁸⁴ Laurie Ouellette, *Viewers Like You?: How Public TV Failed the People* (New York: Columbia University Press, 2002).

purpose of the conference was to discuss the feasibility of networking educational stations, at stake in the conversations were definitions of educational broadcasting itself, of who was to control it, and of what purpose it was to serve. What is noteworthy about these discussions is not just the vision of educational broadcasting that emerged, but the imagined use of the television medium and its audience that undergirded these conversations. Educational broadcasters not only wanted access to the airwaves, but also advocated a purpose and use for television outside of the contemporary television system. In short, educational broadcasters did not just desire an alternative to commercial television, but hoped to realize a different social function for the medium itself.

HEW Secretary Arthur S. Fleming opened the first session of the conference. “There isn’t any doubt in the minds of anyone today certainly that television does provide us with the opportunity of strengthening our total educational system,” he stated. “The question is whether or not as a nation we will take full advantage of the opportunity and whether or not we will pursue the opportunities that it presents with a sense of urgency.”¹⁸⁵ Fleming’s framework is one that would be repeated throughout the three day conference: television, in this context, was viewed primarily as an educational tool. The task at hand was to figure out how to use it most effectively and to persuade educators of its utility.

Repeatedly over the course of the conference, participants stressed that educational broadcasting was to be the purview of educators--teachers, administrators, schools, and so on. As NAEB President William Harley commented, “educators have always been in control of educational broadcasting; they are now and they will be in the

¹⁸⁵ “The Feasibility and Role of State and Regional Networks in Educational Broadcasting,” Proceedings of the Conference: September 9-11, 1959, National Education Association Building, Washington DC, ed. Betty McKenzie, prepared and published by the National Association of Educational Broadcasters pursuant to a contract with the Office of Education, US dept of Health, Education and Welfare, 1.

future.”¹⁸⁶ In his opening remarks, US Commissioner of Education Lawrence Derthick agreed that the educators were the most significant community for educational broadcasting and stressed that a future priority was to train teachers to implement television effectively into their classrooms.¹⁸⁷ Ralph Steele, the executive director of JCET, also insisted that the primary people to be involved in the expansion of educational television were teachers and administrators.¹⁸⁸

It is this issue of origination (schools) and control (educators) that in large part defined *educational television* for many of the participants. As Kenneth Yourd, vice president of NETRC outlined, the term “educational television” applied to the open circuit transmissions of noncommercial stations to a broad viewing public, the educational programming on the schedules of commercial stations, and the closed-circuit uses of television within educational institutions (often for credit). However, Yourd stated, that when “the commercial broadcasters saw that ‘education’ was acceptable television fare, they then began to designate many of their so-called public service programs as ‘educational television’ programs.”¹⁸⁹ From his statement, it is clear that the shows of commercial stations fall outside of Yourd’s definition of what constitutes the real “educational television.” As Edgar Fuller, executive secretary of the Council of Chief State School Officers, insisted, “To the extent that ETV helps improve total learning it is justified; to the extent that it does not do this, it is not justified.”¹⁹⁰ Fuller’s comment pointed to the shared sense of educational television as something outside of commercial television, its primary function to educate its viewers.

¹⁸⁶ Ibid., 232.

¹⁸⁷ Ibid., 7.

¹⁸⁸ “The Feasibility,” 39-40.

¹⁸⁹ Ibid., 80.

¹⁹⁰ Ibid., 93.

A central concern that received repeated attention during the conference, as it would in studies of educational television, was the composition of the educational television audience and the impact of educational television upon it. E.W. Ziebarth, a dean at the University of Minnesota and news analyst for radio and television stations, suggested one of the goals of educational television should be to mitigate the “narcotizing” effect of television and to avoid contributing to, in the language of Lazarsfeld and Merton, the “narcotizing dysfunction” of the mass media.¹⁹¹ He elaborated that educational broadcasting could have two unintended negative consequences on viewers and on the social transformations it hoped to engender. The more time audience members watch television, he asserted, the less time they will have for acting—especially for participating in organized action for social change. In addition, Ziebarth expressed concern that “educational television may contribute to the confusion between knowing about a problem and doing something about—the substitution of a kind of intellectually active but socially passive pattern of response which may be undesirable.”¹⁹² In this, Ziebarth folded educational television into the mass culture concerns of the postwar period and suggested that, though it stood outside of the commercial system, ETV could have a similarly devastating impact on audiences and civic engagement.

Harley addressed this issue from a different perspective in the closing session of the conference. He asserted, “In seeking to reintensify our efforts in a bipolarized world to preserve individual liberty and democratic processes, the use of radio and TV must be safeguarded so that all voices have a reasonable assurance of access to these instruments.”¹⁹³ While Ziebarth focused on members of the public as ETV audiences,

¹⁹¹ “The Feasibility,” 31.

¹⁹² Ibid., 41.

¹⁹³ Ibid., 233.

Harley redefined them as potential contributors to ETV—as the voices that should have access to the airwaves. Harley, in other words, advocated collapsing the distinction between producer and consumer. To be sure, despite his appeals to democracy in his statement, Harley’s vision of whose voices would have a place in educational broadcasting was restricted to “educational and public service agencies and those citizens whose contributions to the public interest and welfare can be effectively extended by broadcasting.”¹⁹⁴ In other words, this expansion of participation had its own parameters, ones governed by the emphasis on authority and expertise that had informed the conceptions of educational television since its inception.

Much like the conference, the Ford Foundation’s NETRC commissioned a series of reports to document the progress of educational broadcasting and specifically to determine the scope of its impact on communities across the nation. The reports consistently celebrated educational television over commercial television and drew upon a discourse of quality that aligned ETV with high-culture and denigrated commercial television as mass culture. The report *The Impact of Educational Television* (1960) characterized commercial television as a system that “encourages chiefly passivity and minimum effort rather than activity, a minimum of social interaction, a concern with fantasy rather than real life, and living in the present rather than concerning oneself either with self-improvement or the problems of tomorrow.”¹⁹⁵ In contrast, according to the report, educational television encouraged of a viewer to “be active, striving, achieving, trying to better himself, participating in social interaction and public affairs.”¹⁹⁶

¹⁹⁴ “The Feasibility,” 233.

¹⁹⁵ Wilbur Schramm ed., *The Impact of Educational Television* (Urbana: University of Illinois Press, 1960), 26.

¹⁹⁶ *Ibid.*, 26.

The People Look at Educational Television (1963), another Ford Foundation sponsored report, defined educational broadcasters as idealists, explaining that, “Only idealists would dare to offer the American people, who have been busy proving by the millions that they want to relax and be entertained in front of the television set, a television alternative of lofty ideas, fine art and pressing problems. This is something like inviting school children to give up their summer vacation from school.”¹⁹⁷ Both reports situated educational television within the realm of high culture, distancing it from the mass culture implications of the medium upon which it broadcasted. Furthermore, these characterizations drew upon a language of uplift and enlightenment consistent with progressive ideals of engendering good citizenship.

Moreover, as Ouellette has argued, the denigration of commercial television during this period, perhaps best exemplified by Newton Minow’s address to the National Association for Broadcasters where he labeled television a “vast wasteland,” hinged upon a construction of television as feminized and formulaic, mass produced, and reliant on emotion and spectacle.¹⁹⁸ The characterization of educational television in the reports strenuously defined it in opposition to these values and simultaneously reinforced the critique of commercial television circulating at this time. In addition, the school children analogy in the second report echoed a comparison Minow made in his address. In excoriating the ratings justification for sub-par programming, Minow likened broadcasters who programmed according to ratings to parents who designed their children’s diets based on their tastes.¹⁹⁹ Both analogies implicitly infantilizes the

¹⁹⁷ Wilbur Schramm, Jack Lyle, Ithiel de Sola Pool eds., *The People Look at Educational Television: A Report of Nine Representative Stations* (Palo Alto: Stanford University Press, 1963), 18.

¹⁹⁸ Ouellette, 31.

¹⁹⁹ Minow stated, “If parents, teachers, and ministers conducted their responsibilities by following the ratings, children would have a steady diet of ice cream, school holidays, and no Sunday school.” NMinow, “Television and the Public Interest.”

audiences of commercial television and suggested that their desires, much like that of children, flew in the face of what was good for them.

This characterization stood in stark contrast to how the reports constructed the ETV audience, which touted its quality by highlighting the educational and class background of its audience members and by emphasizing their active engagement with—rather than passive acceptance of—the texts that they consumed. For example, the report *The Impact of Educational Television* revealed that viewers of educational television were also readers of books and high-quality magazines, listeners of good music, owners of classical records, and consumers of news and public affairs programs; they were members of high status groups and were likely to take part in public affairs.²⁰⁰ In *The People Look at Educational Television*, this characterization of the ETV audience was amplified:

This is a remarkable audience, strongly representing the best educated people in the community, the people with professional and managerial jobs, the people who are most active in the civic and cultural affairs, the people who are the serious and purposeful users of the mass media. It is an audience that any television broadcaster should be happy to have, and that any community organization, educational institutions, or state commission should be proud to serve.²⁰¹

Both reports stressed that the ETV audience was a quality audience, composed of accomplished people of taste who also were strong community members. They were people, in other words, who had the restraint to fend off the seductions of mass culture and the good sense to prioritize self-improvement and uplift. In addition, both reports indicated that the audience of educational television behaved differently from that of commercial television. Whereas viewers of commercial television stumbled upon

²⁰⁰ *The Impact of Educational Television*, 27-29.

²⁰¹ *The People Look at Educational Television: A Report of Nine Representative Stations* (Palo Alto: Stanford University Press, 1963), 90.

programs, according the reports, educational television audiences purposely sought them out and engaged with them as they would a lecture or class.²⁰²

The reports, while celebrating the audience educational television had attracted, simultaneously were self-critical about ETV's limitations. *The Impact of Educational Television* report concluded, for example, that there "is little evidence that educational television meets any special needs of racial minorities, as was once thought possible."²⁰³ Though *The People Look at Educational Television* report characterized the ETV audience as a minority, though a "minority of choice rather than a minority by determination,"²⁰⁴ it acknowledged that this audience "does not represent equally all levels of society."²⁰⁵ The report conceded that educational television "is serving the better educated members of society, the members who are already more socially and culturally active and who have learned to use the mass media as a source of high culture and serious thoughtful information."²⁰⁶ The reports admitted that to have a "quality" audience was also to have a smaller audience, and one that was fairly homogenous along race and class lines.

At this time, educational broadcasters faced a persistent paradox of educational broadcasting: the explicit desire to use television as a democratizing agent while simultaneously attracting a small, somewhat homogenous audience. The reports, though on the one hand rooted in empirical studies of educational television stations, on the other replicated a popular construction of commercial television rooted in entrenched cultural hierarchies. Defining educational television and its audience in opposition to commercial television, the reports reinforced certain binaries about television at the level of

²⁰² *The Impact of Educational Television*, 22; and *The People Look at Educational Television*, 78.

²⁰³ *The Impact of Educational Television*, 24.

²⁰⁴ *The People Look at Educational Television*, 59.

²⁰⁵ *The People Look at Educational Television*, 90.

²⁰⁶ *Ibid.*, 90.

production (educators vs. businessmen), content (enlightenment/instruction vs. entertainment), audiences (adults vs. children), and viewing practices (active vs. passive). In this, they aligned educational television with high culture forms, and reinforced contemporary critiques of commercial television. Indeed, the success of educational television, according to this viewpoint, rested in its difference from the practices of commercial broadcasters. Paradoxically, however, educational broadcasters sought a broad audience for their programming and desired to create a television system that would provide a widespread public service to television audiences. A fundamentally middlebrow enterprise in its aspirations, educational television in the 1950s and early 1960s fell short of its goal toward mass education through mass communication. In part, as the next section will illustrate, the turn toward public broadcasting in the 1960s was intended to bring educational television's goals closer to fruition.

THE TURN TO PBS

In a 1963 report on its philanthropy, *About the Ford Foundation*, the Ford Foundation reported that it had spent \$77 million on educational television. It allocated this money to its Fund for the Advancement of Education, which supported experiments in television instruction in schools and colleges; to the Fund of Adult Education; to help the development of community and cultural programs; to the National Educational Television and Radio Center (NETRC), which conducted a national program service for educational stations; and to thirty-four educational stations directly. The foundation also provided money to the "Continental Classroom," the first national television program offering college courses for credit, and the Midwest Program on Airborne Television Instruction project.²⁰⁷ The report detailed this program of giving in its section on

²⁰⁷ Ford Foundation, *About the Ford Foundation Annual Report*, 1963, 6-7.

“Education in the United States”; the educational television grants were sandwiched between report on funds allocated for school improvement and for school and college facilities.²⁰⁸

In its 1967 report on its philanthropy, also titled *About the Ford Foundation*, the Foundation similarly documented its contributions to educational television, including its support of the NETRC and of individual stations. The report also referred to the foundation’s proposal to the FCC, issued in 1966, which encouraged the use of domestic satellites to help noncommercial television stations with both financing and distribution of programming. Significantly, this discussion took place in the report’s section on “Humanities and the Arts.” The foundation’s contributions to educational television were listed after its support of artistic institutions (symphonies, operas, theaters, etc) and the American Council of Learned Societies (a council on library resources).²⁰⁹ This shift indicated a re-evaluation of how the Foundation understood the social role of educational, noncommercial broadcasting. While earlier in the decade it rooted it squarely within education--akin to the buildings, teachers, and materials required to improve the quality of schools at all levels--later in the 1960s, the foundation situated it within its programs for cultural uplift, implying its fidelity with the mission of arts and humanities institutions that function outside of mainstream educational institutions.

This shift was consistent with the broader re-evaluation of educational, noncommercial broadcasting in the 1960s that culminated with the Public Broadcasting Act of 1967. In the previous decade, advocates of educational television justified it as part of a broader need for educational reform. Not only would educational television stations democratize and improve upon school instruction, but they would offer a use for

²⁰⁸ Ibid., 6-7.

²⁰⁹ Ford Foundation, *About the Ford Foundation Annual Report*, 1967, 13-16.

television completely different than that of commercial network stations. In the late 1960s, inspired by the Carnegie Commission's report *Public Television: A Public Action*, educational broadcasting became public broadcasting, and with the new label came a new definition of the purpose and scope of noncommercial stations. Whereas educational television would address cold war anxieties over the education gap, public television--as imagined at this time--would remedy the social problems and inequities exposed by the cultural ferment of the 1960s. In the process of redefining the purpose of noncommercial television, advocates expanded its scope to include not only instructional television but a wide diversity of programming that would mirror in style, if not in content, that of commercial broadcasters.

The Carnegie Commission on Educational Television, largely the architect of public broadcasting, emerged out of a conference in 1963 held by the NAEB and the U.S. Office of Education. At the conference, leaders in educational broadcasting decided to commission a report to study the financial needs of educational television. The result was the Carnegie Commission, a thirteen member group composed of educators (James Conant, Lee DuBridge, James Killian, Franklin Peterson), artists (Ralph Ellison, Robert Saudek), politicians (David Henry, Terry Sanford), businesspersons (Oveta Culp Hobby, J.C. Kellam, Joseph McConnell, Edwin Land) and a labor leader (Leonard Woodcock). Killian, who had been president of MIT, chaired the commission. Its report, published in 1967 and addressed to the American people, became the basis of the Public Broadcasting Act passed later that year. The commission based its findings on visits with ninety-two educational television stations and seven television systems in foreign countries; during

its research phase, more than 225 individuals and organizations addressed the commission.²¹⁰

The commission's primary innovation was its expansive definition of educational television. Under the umbrella of "educational television," the commission mapped two different types of television service: instructional, which would use television as an educational tool for pre-set educational purposes and public, which would address itself to the wider American public. However, though the commission advocated both types of service, the overwhelming emphasis of its report was on public television, whose possibilities eclipsed that of the current educational television system or of instructional television. Similarly, though a key provision of the Public Broadcasting Act centered on a study of instructional television, the hearings on the bill focused almost exclusively on the promises of public television.

The shift to *public*, rather than *educational* or *instructional*, broadcasting pointed to two transformations to the noncommercial broadcasting sector that the Carnegie Commission strenuously recommended. The first involved the financing of the broadcasting system with public monies. The Educational Television Facilities Act had promised a one-time allocation to states to establish or augment educational television stations. In its report, the Carnegie Commission advocated the creation of a federally chartered corporation, titled the Corporation for Public Television, to receive both public and private funds to disburse to broadcasters. The corporation, in the commission's schema, would be a nonprofit nongovernmental entity whose primary purpose would be to support noncommercial television with programming, research and development, interconnection capabilities, and training for personnel.²¹¹ The commission

²¹⁰ The Report of the Carnegie Commission on Educational Television, *Public Television: A Plan for Action* (New York: Bantam Books, 1967), vii-ix.

²¹¹ *Public Television*, 5-8.

recommended that Congress place an excise tax on television sets; the revenue from this tax would be dedicated for the corporation. The implementation of a tax would insulate public broadcasting from the political pressures that an annual appropriations process could provoke.²¹² Though the commission anticipated that private contributions and funds from state and local governments would continue to sustain noncommercial broadcasting, one of its central innovations was its recommendation of a steady, permanent federal financing stream. The “public” of public broadcasting, in this sense, referred to its government support.

Additionally, the “public” of public broadcasting indicated the Carnegie Commission’s expansive vision of the scope of its programming and the audiences it would serve. Early in its report, the Commission defined how it understood the distinctions between commercial, instructional, and public television:

Commercial television seeks to capture the large audience; it relies mainly upon the desire to relax and to be entertained. *Instructional television* lies at the opposite end of the scale; it calls upon the instinct to work, build, learn, and improve, and asks the viewer to take on responsibilities in return for a later reward. *Public Television*, to which the Commission has devoted its major attention, includes all that is of human interest and importance which is not at the moment appropriate or available for support by advertising, and which is not arranged for formal instruction.²¹³

In other words, public broadcasting was to serve as a hybrid of commercial and instructional television. It was to hail its audience with strategies similar to commercial broadcasters, but was to include programming that contemporary commercial broadcasters would not air. It was to provide educational and public affairs programming like instructional broadcasters, but would not take its cue from the classroom in its address to its audience. Significantly, the commission went to great pains to dismantle

²¹² Ibid., 8.

²¹³ *Public Television*, 2.

the rigid binary between commercial and educational broadcasting that educational broadcasters themselves had relied upon. The report stated, “We do not regard educational and commercial television as distinct activities, each pursuing its own exclusive way. We deplore any inference that educational television cannot entertain as it addresses itself to its many audiences, just as we deplore any inference that commercial television should decrease its efforts to provide excellent programs of cultural and public affairs for the mass audience.”²¹⁴

Furthermore, the vision of the “public” within the report is one that acknowledged the regional and ethnic diversity of American audiences. “Our varying regions,” the commission wrote, “our varying religious and national and racial groups, our varying needs and intellectual interest are the fabric of the American tradition.”²¹⁵ Emphasizing the diversity of the American public, the commission designated the primary goal of public television to blend diversity with excellence. “Public Television is capable of becoming the clearest expression of American diversity, and of excellence within diversity. [...] It will be, in short, a civilized voice in a civilized community.”²¹⁶ Whereas educational broadcasters understood the purpose of their programming to diminish distinctions—based on class inequality—and provide a means to realize social equality, the commission envisioned public broadcasting as a medium to celebrate the distinctions between audiences, rather than mitigate against them. In this, the commission reflected the turn toward multiculturalism that animated political discourse in the 1960s.

Another key distinction between the system of educational television in existence and the system of public television proposed by the commission was a shift mirrored in

²¹⁴ Ibid., 16.

²¹⁵ Ibid., 14.

²¹⁶ *Public Television*, 18.

the Ford Foundation reports: from education to art. Educational broadcasters had viewed television as a tool of education, whose use and control should largely be in the hands of educators. The Carnegie Commission, in contrast, situated public broadcasting within a large community of artists, intellectuals, and community members. It would be a space for creative people to produce and air programming that would not have a home on commercial stations. “The major innovation in Public Television,” the commission wrote, “will arise out of the environment it will provide to attract talented people and release their skills and creativity in a medium of great service to the American public.”²¹⁷ This system, in the end, will enable “a broad range of quality programs beyond anything now available.”²¹⁸

Whereas educational broadcasters, especially in their testimony for Educational Television Facilities Act, drew upon a discourse of equality—equality of access, education, and opportunity—to legitimate educational broadcasting, the Carnegie Commission used the language of freedom in its appeals for public broadcasting. It concluded:

If we were to sum up our proposal with all the brevity at our command, we would say that what we recommend is freedom. We seek freedom from the constraints, however necessary in their context, of commercial television. We seek for educational television freedom from the pressures of inadequate funds. We seek for the artist, the technician, the journalist, the scholar, and the public servant freedom to create, freedom to innovate, freedom to be heard in this most far-reaching medium. We seek for the citizen freedom to view, to see programs that the present system, by its incompleteness, denies him.

Because this freedom is its principal burden, we submit our Report with confidence: to rally the American people in the name of freedom is to ask no more of them than have always been willing to provide.²¹⁹

²¹⁷ Ibid., 91.

²¹⁸ Ibid., 91.

²¹⁹ *Public Television.*, 98-99.

In large part, the freedom that the commission sought for television was largely freedom from the constraints of the commercial system that dominated broadcasting and from the regulatory schema for noncommercial broadcasting that had made its funding so precarious.

Significantly, this passage also defined the audience of public television as citizens, their freedom as the “freedom to view.” Despite the commission’s advocacy for an expanded noncommercial television system, it imagined a system in which the creators of content would be experts or members of a distinct class (artist, scholar, public servant, etc). In its appeals to diversity and excellence, and its effort to dismantle the high art/low art binary that placed commercial television in the latter category, the commission still maintained a hierarchy that relegated audiences to viewers and, importantly, taxpayers whose money would support this system of television.

When the commission issued its report, Congress and President Johnson had recently approved legislation to create the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the American Film Institute (AFI). The political climate was ripe, it seemed, for federal support for television at this moment of broad spending on the arts and humanities. Congress passed, and President Johnson signed, the Public Broadcasting Act in November 1967, just months after the publication of the Carnegie Commission report.

While the hearings on the Public Broadcasting Act centered on logistical issues, like how to appoint CPB members or how much the new service would cost taxpayers, the prevailing themes that ran throughout the hearings pointed to a new paradigm for noncommercial broadcasting, even while echoes of existing discourses on educational television remained. The continual allocation of federal funds for this television service—as opposed to the one-time disbursement of funds under the Educational Television

Facilities Act—raised a number of concerns over the legitimacy of the enterprise and its accountability to the American public. Wrapped up in this latter issue was a familiar discussion over television’s public and the audience that public television would, in actuality, serve. One of the most persistent topics of the hearings, however, was the limitations of commercial broadcasting, limitations that necessitated the creation of a noncommercial alternative. Whereas the Educational Television Facilities hearings focused on the crisis of national education, the Public Broadcasting hearings addressed the inadequacies of commercial television. The public television system, which was endorsed by all three major television networks, would allow television to realize its potential—a potential currently hampered by the restrictions of commercial television. However, in the process of criticizing commercial television, the testimony of the hearings legitimated and naturalized the primacy of profits over service that characterized the commercial networks. The strength of public television, in other words, would be to fulfill the public service possibilities of television that the commercial stations, licensed to serve the “public interest, convenience, and necessity,” were not capable of doing.

One of the most persistent objections to public broadcasting was the fear that federal financing would yield federal control over content. In his opening statement at the Senate hearings, Senator John Pastore indicated that the senate had received numerous letters objecting that public broadcasting would function as “ministry of propaganda” for the federal government. Congressman Claude Pepper (D-Fla.), who had introduced a similar bill in the House of Representatives, had received letters suggesting that his bill would create a “Hitler-type propaganda ministry.”²²⁰ Fred Friendly, former producer of *See it Now* and television consultant to the Ford Foundation, identified that

²²⁰ Senate Committee on Commerce, *Hearings on Public Television Act S. 1160 (same as House Bill HR 6736)*, United States Senate, 90th Congress, April 11-14, 1967, 2.

the biggest concern regarding the proposed bill was the need for political insulation of public television.²²¹ The Carnegie Commission, in making its recommendations, had shared this fear and had urged the adoption of an excise tax in order to remove public television from political pressures.

When Killian testified, he raised this very point and addressed the concerns over government control. Public broadcasting, as the Carnegie Commission imagined it, was to be consonant with American traditions-- “not a BBC, it is not patterned after the Japanese system or any other existing system.” Killian stated, “We have attempted to design something that corresponds to American traditions and American mores, that can coexist amicably with commercial television—we feel that to be of vital importance—and that together with commercial television, can meet the highest needs of our society.”²²² In drawing the distinction between the American public television system and the BBC, Killian reassured that the system under discussion would not be a government-run model, but one that fused the liberal spirit of commercial television with a funding source that did not rely on sponsor dollars. He emphasized at the end of his testimony that the key to the success of the service would be its insulation from the appropriation process, whether through an excise tax or other means.²²³ The commission advocated government support of public television, but strenuously wanted to keep it far away from government control. William Henry, the director of NAEB and former chairperson of the FCC, summed up this balance in his testimony: “I believe that concrete governmental support is not necessarily linked to governmental interference.”²²⁴

²²¹ Ibid., 179.

²²² Ibid., 135.

²²³ Senate Hearings, *Public Television S. 1160*, 140.

²²⁴ Ibid., 212.

This vision of a public television system that would exist outside the market (commercialism) and the state (government control) raised the issue, in the minds of a few senators, of accountability. In particular, the concern was over whether public television, supported by taxpayer dollars, would address itself to the broad sweep of American audiences, rather than the small elite group already attracted to educational television. Senator Norris Cotton (R-N.H.) asked John Gardner, the secretary of HEW, whether the CPB would “have some function in seeing to it that education television, which partially at least, will be supported by public funds [...] does sugarcoat the pill, so to speak, and attract the general run of people who haven’t the advantage of the classroom background.”²²⁵ The premise of Cotton’s question was that current educational television addressed itself to a smaller, niche audience, one with the “advantage of the classroom background.” In a question that would recur throughout the history of public broadcasting, Cotton asserted that the use of public monies required broadcasters to have more egalitarian view of their audience. The question underscored the paradox of educational broadcasting, which justified itself through appeals to equality while reaching a somewhat elite audience.²²⁶

One of the recurring themes of the hearings was that commercial broadcasters were “trapped” by the economics of their trade; because this restriction would be alleviated by the public funding source for public television, it would be free to experiment and innovate in ways that commercial television could not. For example, Friendly testified, “I think the problem is that commercial television—I have said this before, forgive me again—makes so much money doing its worst that it cannot afford to

²²⁵ Ibid., 54.

²²⁶ This concern also arose from Senator Hartke, who feared that there would be no accountability for public broadcasters. Senate Hearings, *Public Television S. 1160*, 116.

do its best.”²²⁷ Edwin Land of the Carnegie Commission agreed that the “trouble with the commercial stations now is that they simply cannot experiment even when they want to.”²²⁸ James O’Connell, the director of the White House Office of Telecommunications, justified public television with, “commercial television is trapped in a profit syndrome which inhibits greater experimentation with programs which seek to satisfy many small but important minorities of the American public—then surely public television must have as its prime objective not only to satisfy these audiences but also to stimulate their growth in numbers.”²²⁹

As these comments illustrate, many of the supporters of public television defined the problem of commercial television at its root as economic. In their estimation, the poor quality of commercial television programming resulted from broadcasters’ reliance on advertising revenue. Freed from this trap, public broadcasters could experiment and innovate in ways that commercial broadcasters could not. This line of reasoning legitimated both the performance of commercial broadcasters and their elision of the public service responsibilities of their licenses. Furthermore, in contrasting public broadcasting to commercial broadcasting, it defined public television in terms of its financing. What would ensure its success in achieving a more diverse and qualitatively better programming schedule would be its existence outside the world of commercialism.

Perhaps unsurprisingly, Frank Stanton (president of CBS), Julian Goodman (president of NBC), and Leonard Goldenson (president of ABC) testified in support of the bill, Stanton pledging \$1 million of CBS’s money to help get the CPB off the ground. Pastore, in questioning Goodman, acknowledged the support of the major networks, yet briefly questioned the motive behind it. Pastore stated, “There has been a very, very

²²⁷ Ibid., 180.

²²⁸ Ibid., 166.

²²⁹ Ibid., 373-374.

strong and emphatic endorsement of this legislation on the part of commercial broadcasting. We want to make the record clear that the motive behind this is not to escape any responsibility you have under the law. Is that correct?"²³⁰ Goodman assured him that it was, and drew distinctions between the public service obligations of commercial broadcasters and the proposed public television system. All the network presidents underscored the compatibility between noncommercial television and commercial television and asserted that the former would be able to engage audiences that the former could not.

When President Lyndon Johnson signed the bill into law, he remarked that the act "announces to the world that our Nation wants more than just material wealth; our Nation wants more than a 'chicken in every pot.' We in America have an appetite for excellence, too. While we work every day to produce new goods and to create new wealth, we want most of all to enrich man's spirit. That is the purpose of this act."²³¹ Johnson's phrasing captured the spirit of the hearings and reflected the binary that had emerged during them. Just as the nation has a dual purpose, "to create new wealth" and "to enrich man's spirit," so too would the nation's broadcasting system. The creation of public broadcasting would enrich the spirit of television audiences, as commercial broadcasters focused on the business of creating new wealth.

The Public Broadcasting Act did not provide a dedicated financing stream for the CPB. Against the recommendations of the Carnegie Commission, and despite the fears of many of its supporters, the CPB has relied on the congressional appropriations process, a process that has opened public broadcasting up to the political pressures from which its

²³⁰ Senate Hearing, *Public Television S. 1160*, 468.

²³¹ "Remarks of President Lyndon B. Johnson Upon Signing the Public Broadcasting Act of 1967," Corporation for Public Broadcasting Website, <http://www.cpb.org/aboutpb/act/remarks.html> (accessed November 18, 2006).

creators had hoped to insulate it. In 1972, President Richard Nixon vetoed the appropriations bill for the CPB. Though the ostensible reason for the veto was that public broadcasting had begun to function as a fourth network, rather than a servant to local communities, Nixon arguably objected to public broadcasting on political grounds. Perceiving PBS as too liberal, Nixon began what would be a decades-long battle between public broadcasting and the federal government that have taken place on the battleground of political bias, and which has used the weapon of federal appropriations.²³²

As William Hoynes has illustrated, public broadcasting for decades has turned to alternate funding sources because of this threat; in the process, as he argues, public broadcasting increasingly has accepted corporate financing and has become more market-oriented and enmeshed with commercial media outlets.²³³ He points to PBS's recent online activities, complete with websites that provide advertising space. PBS Kids, for example, includes links to children-oriented products like Juicy Juice and Kellogg's Cereal.²³⁴ PBS also has entered into joint ventures with Warner Home Video, Warner Bros. Records, and AOL, and Simon & Schuster.²³⁵ Given this emphasis, Hoynes questions, what continues to make PBS "public"?²³⁶

In asking the question, Hoynes reiterates one of the central conceits of the shift from educational to public broadcasting: the purpose of the service is to provide a noncommercial alternative, one that will take advantage of the freedom from the economic constraints of commercial broadcasting. As this section has illustrated, this

²³² William Hoynes, *Public Television For Sale: Media, the Market, and the Public Sphere* (Boulder: Westview Press, 1994), 3.

²³³ William Hoynes, "The PBS Brand and the Merchandising of Public Service," in *Public Broadcasting and Public Service*, Michael McCauley, Eric E. Peterson, B. Lee Artz, DeeDee Halleck (eds) (New York: M.E. Sharpe, 2003), 41-59.

²³⁴ *Ibid.*, 47.

²³⁵ Hoynes, "Public Broadcasting," 47-48.

²³⁶ *Ibid.*, 50.

definition marked a new epoch, as it redefined the educational broadcasting sector that had existed as long as broadcasting itself.

CONCLUSION

Educational and public broadcasting advocates continually fought to create an alternative to commercial broadcasting. Both asserted that the television medium itself was one of tremendous potential, a potential unrealized by commercial stations. The right kind of television could inspire, enlighten, and educate; it could demystify the various communities who co-exist in the United States and could mitigate the gaps in opportunity and education. As this chapter has shown, educational broadcasters for decades had pointed to the limitations of commercial stations. Early on, these appeals were in the context of battles over licenses. Though educational institutions had been involved with broadcasting since its earliest years, its future looked uncertain under a broadcasting policy that favored well-financed, commercial stations. They also rooted educational broadcasting within broader structures of mass education. Educational broadcasters imagined a use for the airwaves outside of conventional expectations, and desired to use television as an educational tool, alternately broadly and narrowly defined. Though consistently hampered by its financing, educational broadcasting was not defined by how it was funded, but rather by its broader mission and purpose.

When in the 1960s the Carnegie Commission proposed a public broadcasting service, its rhetoric intensified the comparisons between the promise of noncommercial broadcasting and the limitations of commercial broadcasting. The goal of public broadcasting was to provide a form of television unrestricted by the limitations of commercialism. With a guaranteed funding stream, but one that existed outside of the vagaries of the marketplace, public broadcasting was to realize the potential for television

to experiment, to reach diverse communities, and to broadcast quality shows deemed inappropriate for commercial stations. However, the Public Broadcasting Act did not end the financial burdens of noncommercial stations, nor did it insulate public broadcasting from the process of politics. Today, as Hoynes has illustrated, the noncommercial alternative increasingly looks like a commercial network.

In their attempt to create an alternative, educational and public broadcasting activists simultaneously reinforced the status quo. After 1934, they did not question the underpinnings of broadcast regulation or the dominance of commercial stations. Indeed, by 1967 the rhetoric of public broadcasting advocates accepted the inevitability not only of the dominance of the networks, but of their programming practices. Ironically, in arguing for a television system outside of commercialism, these activists naturalized and legitimated the commercial foundations upon which American broadcasting rested.

Furthermore, much like the other activists in this dissertation, the public and educational broadcasting activists imagined a contradictory television public. The audiences of its stations were actively engaged, seeking out programming that would engender self-improvement and edification. Contrarily, the audiences of commercial stations were passive, stumbling on shows that imparted no meaningful social values and being happily entertained by them. For these activists, it was the type of television itself that activated different types of audience responses. Indeed, a central conceit of their worldview was that if television would change, so too would its audiences' response to it. In their activism, these broadcasters not only repurposed television, they also redefined its relationship to its viewers. This viewpoint assumed that television viewers writ large were a monolithic group, passively viewing whatever programming came their way. It was a view enmeshed in a cultural hierarchy that conflated the commercial and the mass

with the low and insipid. It was a perspective, in other words, that more reflected the cultural biases of these activists, than the actualities of television viewers.

Chapter 4: Feminists in the Wasteland Fight Back: The National Organization for Women Turns and the Petition-to-Deny

When feminists protested the 1968 Miss American Pageant, no bras were burned. Staged on the boardwalk in Atlantic City, the protest featured a crowning of a sheep as a surrogate Miss America and the disposal of symbols of women's oppression—girdles, curlers, bras, women's magazines—into a "Freedom Trash Can." Though the contents of the trash can were to be set on fire, leaders of the protest complied with city law and did not torch them.²³⁷ The label "bra-burner" would be applied to feminists anyway, attesting both to the symbolic importance of the 1968 protest and to the fascination with the salacious that would define popular accounts of second wave feminism, even when incorrect. The 1968 Miss American Pageant protest has become an iconic moment in second wave feminism, alongside the passage of the Equal Rights Amendment in Congress, repeal of restrictive abortion laws culminating in *Roe v. Wade*, and the ubiquitous slogan announcing the "personal is political."

Feminists of all political stripes, from the New York Radical Women who staged the protest to the less radical National Organization for Women, viewed popular constructions and representations of women to be a profoundly important stumbling block in overcoming sexism. Feminists understood that the political, economic, and social challenges that women faced were rooted in an anachronistic and myopic vision of women, one underlined and perpetuated by popular culture. Indeed, in her seminal feminist tract *The Feminine Mystique* (1963) Betty Friedan wrote of the impact of popular culture on keeping women in their "comfortable concentration camps," as magazines, television shows, and films taught that fulfillment was to be found in their

²³⁷ Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Penguin, 2000), 159-160.

roles as wives and mothers. *The Feminine Mystique* exposed that such limitations on women actually had robbed them of meaning in their lives, and advocated for women's entrance into the professions.²³⁸ Alice Embree, in an essay in Robin Morgan's *Sisterhood is Powerful* (1968), wrote that the "American woman is not only tied to the image created for her by the mass media and their consumption-minded commercials; but that image itself ties her into a routinized rather than a liberated role."²³⁹ The transformation of images of women was central to the realization of a more just society and the liberation of women.

Some feminists of the era rejected transforming the American mass media altogether, forging alternatives that better met the needs of and were controlled by women (*Ms.* magazine, for example). Others saw consumer capitalism, and the economic logic that underpins the media industries, as deeply entwined with sexism; to change perceptions of women, according to this view, it was necessary to overhaul the institutions that create them. Other feminists staged public, theatrical protests drawing attention to the pervasiveness of negative imagery of women which resembled the happenings of the Yippies and other counter-cultural groups. Feminists also engaged directly with the creators of popular culture, as when feminists physically took over the offices of the *Ladies Home Journal* and staged a sit-in in protest of its largely male editorial board.

This chapter focuses on an overlooked area of feminist engagement with the media by examining the television reform activities of the National Organization for Women (NOW) in the early 1970s. Though NOW too participated in symbolic protest of

²³⁸ Betty Friedan, *The Feminine Mystique* (New York: Bantam, Doubleday, Dell, 1983 [1963]).

²³⁹ Alice Embree, "Media Images I: Madison Avenue Brainwashing—The Facts," in *Sisterhood is Powerful: An Anthology of Writings from the Women's Liberation Movement*, ed. Robin Morgan (New York: Random House, 1970), 185.

representations of women, it also sought to reform the media industries that created them. Throughout the 1970s NOW, often in collaboration with other women's and civil rights groups, included television reform as part of its larger agenda. In particular NOW filed, or threatened to file, twelve petitions-to-deny the license renewal of television stations across the country.²⁴⁰ Like other social justice groups of the period, NOW based its media reform efforts on a recent court case, *Office of Communication of United Church of Christ v. Federal Communications Commission*, which expanded the rights of the broadcasting public to include participation in the license renewal process. This decision enabled citizens' groups to have the direct ear of broadcasters and their regulators as they tried to bring television into the fold of the more democratic and multi-cultural society they were trying to establish.²⁴¹ NOW actively participated in this movement, asserting an intertwined relationship between media reform and feminist goals. Specifically, NOW used its petitions to pressure broadcasters to ameliorate their depictions of women, to hire more women to important positions, and to recognize that women are part of the public which they are required to serve.

The petitions were in keeping with NOW's reformist position of working within existing legal and political channels for change. To be sure, the NOW petitions-to-deny were not challenges to the structure of the television industry or to its economic underpinnings; in fact, in filing petitions, NOW implicitly accepted the terms upon which broadcasting was regulated and organized in the United States. Leaders of NOW did not assert, as other feminists would, that American society was so rooted in patriarchy as to

²⁴⁰ Cherie Sue Lewis, *Television License Renewal Challenges by Women's Groups* (doctoral dissertation, University of Minnesota, 1986), 74.

²⁴¹ "Administrative Law—Community Representatives Have Standing To Challenge FCC License Renewal—*Office of Communication of United Church of Christ v. FCC*," *Michigan Law Review* 65, no. 3 (1967): 518-531; "Standing of Television Viewers to Contest FCC Orders: The Private Action Goes Public," *Columbia Law Review* 66, no. 8 (1966): 1511-1528.

be beyond reform. Rather, their activism was predicated on the assumption that American institutions could work if reformed to be more inclusive of women and women's needs.

Though sincere attempts to transform broadcaster practices and programming, I argue that NOW's television reform efforts additionally served the organization's larger project of expanding civic recognition to women. First wave feminists had assumed that suffrage, the *ur*-right of citizenship, would confer upon women full membership in civil society. As feminist scholars have illustrated, the passage of the Nineteenth Amendment provided women with the right to vote alone; it did not expand women's civic identities to a stature equal to that of men, and women continued to bear the brunt of legal, economic, and political discrimination.²⁴² When NOW emerged in 1966 it continued the work of feminists who, since 1920, had fought to assure women's full recognition as public actors and citizens.

The vagaries of broadcasting's regulatory model allowed for NOW to continue this project while simultaneously challenging derogatory representations of women. Congress had mandated in the Radio Act of 1927 and the Federal Communications Act of 1934 that broadcast licensees must serve the "public interest, convenience, or necessity." The definition of this phrase, and the attending definition of who composes the "public," have been areas of contestation and confusion since the passage of the Acts. The *Office of Communication of United Church of Christ vs. FCC* case both expanded the rights of listeners and viewers, and attested to the existence of a multi-faceted public whom broadcasters have a legal obligation to serve. To have recognition in license renewal

²⁴² See, for example, Gretchen Ritter, *The Constitution as Social Design: Gender and Civic Membership in the United States* (Palo Alto: Stanford University Press, 2006); Kristi Anderson, *After Suffrage: Women in Partisan and Electoral Politics Before the New Deal* (Chicago: University of Chicago Press, 1996); Sara Hunter Graham, *Woman Suffrage and the New Democracy* (New Haven: Yale University Press, 1996).

proceedings was also to lay claim to civic belonging--to one's inclusion as part of the "public." Thus, in its television activism, members of NOW positioned themselves as citizens, as members of the broadcasting public with a legitimate and legally-sanctioned stake in the programming and practices of television stations.

NOW's use of the petitions-to-deny reimagined the female television consumer as an active citizen. In their media reform activism, NOW's members made appeals based on their public-ness, not on their consumer or economic power as viewers. For feminist media scholars, television has been a feminized medium: its location in the domestic sphere, its place within consumer culture, and its focus on serial narratives has situated it culturally with the location, role, and tastes of women. The television audience thus has been a feminized audience, its ideal viewer the female consumer.²⁴³ As Karin Vasby Anderson and Jessie Stewart have illustrated, even television representations of female voters--an identity intrinsically linked to citizenship--reinscribes women ultimately as economic (consumer), rather than political (citizen), actors. This emphasis on female consumers extends to constructions of audiences in feminist television scholarship.²⁴⁴ In this chapter, I illustrate how female viewers defined themselves as members of broadcasting publics, whose claims on television derived from their political identities.

Specifically, this chapter focuses on NOW's use of the petition-to-deny in the 1970s. By analyzing its first petition leveled at WABC-TV, the ABC owned-and-operated station in New York, I argue that NOW both sought to reform television practices and to legitimate women as a public. A primary strategy the organization used was to compare its marginalization to that of African Americans, a community

²⁴³ Lynn Spigel and Denise Mann eds., *Private Screenings: Television and the Female Consumer* (Minneapolis: University of Minnesota Press, 1992); Lynn Spigel, *Make Room for TV: Television and the Family Ideal in Postwar America* (Chicago: University of Chicago Press, 1992).

²⁴⁴ Karin Vasby Anderson and Jessie Stewart, "Politics and the Single Woman: The 'Sex and the City Voter' in Campaign 2004," *Rhetoric and Public Affairs* 8, no. 4 (2005): 595-616.

legitimately recognized as a neglected part of the broadcasting public. Furthermore, as this chapter illustrates, NOW's media activism functioned to mobilize women at the local level to become media activists and simultaneously to view the media through the lens of second-wave feminism. This local activism also provided opportunities for collaboration with other feminist and civil rights groups. NOW further asserted that its members were stake-bearers in media policy, and articulated the deep connection between media reform and feminist goals, when individuals from the organization testified in front of Congress to protest transformations to the license renewal process. In sum, this chapter argues that NOW's media reform, in particular its challenges to license renewals, marked not only the intersection of feminist goals and media reform battles, but also a way for feminists to gain legitimacy as members of the wider civic body.

“WOMEN IN THE WASTELAND FIGHT BACK”: NOW'S PETITIONS-TO-DENY

In a first season (1971) episode of *All in the Family*, Gloria Stivic (Sally Struthers) discovers feminism. She embraces the contemporary emphasis on women's conversation, evidenced by the first scene in the episode when she and her mother share secrets while cooking breakfast. She also insists that her husband and her father treat the women of the household as equals and with respect. Her husband Mike (Rob Reiner), an outspoken advocate for the rights of ethnic minorities and the equality of men, refuses to extend his social justice commitments to women. He insists that the subjugation of women is not analogous to that of African Americans or Latinos, despite the protests of Gloria that they indeed are. Though Gloria leaves Mike briefly, distraught that her husband refuses to see her as an equal, the couple reconciles by the end of the episode, though no indication is given that either of the two have changed their views.

Gloria could have functioned as a poster girl for many of the feminists of the period. Like many of her real counter-parts, Gloria's commitment to social change began with her support, along with Mike, of the anti-war effort and civil rights. Within their marriage, Gloria had occupied a supportive role as Mike went to college, defending him against the attacks of her father and standing by his side in his liberal causes. But when Gloria asserts her rights as an individual and draws attention to the subordination of women, Mike dismisses her needs, insists on the primacy of his own, and derides claims for women's liberation. Gloria, in some sense, represents the women pushed to a feminist movement by the sexism of their fellow activists whose vision of injustice and social hierarchy could not see a place for women's claims.²⁴⁵ Where the parallel breaks down is in the end of the story. Gloria stays with Mike. If she had truly served as a symbol of many of the women's movement's founders, she may have left him to build strong, mutually beneficial relationships with other women.

Members of NOW, a co-ed women's group with a different story of origins, also could have claimed Gloria Stivic as an able and on-message spokesperson. NOW formed in 1966 as an "NAACP for women."²⁴⁶ In 1961, President John Kennedy formed the President's Commission on the Status of Women and appointed Esther Peterson, a former activist for women workers, to head it. In 1963, the commission issued a report pointing to discrimination in every facet of American life. The commission also established state

²⁴⁵ For example, Gloria could be a stand-in for the women in SNCC who were notified, after publishing a position paper on the role of women in the organization, that the only position for women in SNCC is "prone"; the women who tried to address SDS about women's liberation who were booed and threatened with sexual violence; the women who, like men, put their lives in danger to register voters and advocate for the poor, but who were relegated to clerical jobs within those movements. For a discussion of the origins of women's liberation in the New Left and civil rights movements, see Sara Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement and New Left* (New York: Vintage Books, 1980).

²⁴⁶ This phrase is used repeatedly with regards to the origins of NOW. See Maren Lockwood Cohen, *The New Feminist Movement* (New York: Russell Sage Foundation, 1974), 104; Maryann Barasko, *Governing NOW: Grassroots Activism in the National Organization for Women* (Ithaca: Cornell University Press, 2004), 21-22.

commissions, which provided a network for women to promote reforms at all level government to improve the status of women. In June 1966, delegates of state commissions tried to present a resolution at the third conference of state commissions to demand that the Equal Employment Opportunity Commission enforce the clause of Title VII of the Civil Rights Act to fight sex discrimination. Their resolution was not allowed on the floor of the conference. Angered and frustrated at the EEOC's and legislatures unwillingness to tackle sex discrimination in employment, women met in Betty Friedan's hotel room with the idea to start a women's organization.²⁴⁷

NOW was born. At its organizing conference in October 1966, members of this new women's organization mapped six "targets for action" that would form the group's main goals: achieving equal opportunity in employment, promoting educational opportunities for women, attaining social equality between the sexes, changing stereotypical images of women, addressing the problem of women in poverty, and gaining equal rights and responsibilities for women as citizens. By the following year, NOW had fourteen local chapters; by 1972, it had over 200 chapters and had achieved prominence in the popular imagination as the preeminent mainstream feminist organization. Unlike more radical feminist groups, like WITCH, the Redstockings, and the New York Radical Women, NOW sought an expansion of gender equality within existing frameworks, not the overhauling of social institutions and practices. Its media reform activities, in particular its petitions-to-deny, reflected this commitment.

Much as Gloria tried to show Mike that women, like Blacks and Latinos, are an oppressed group within American society, so too did NOW use the petitions-to-deny to legitimate women as a distinct and unique group—just like ethnic minorities—and to

²⁴⁷ Winifred D. Wandersee, *On the Move: American Women in the 1970s* (Boston: Twayne Publishers, 1988), 17-18.

designate women as a class to be considered in the varied conception of the broadcasting public emerging at this time. The petitions-to-deny represented a sincere attempt to change broadcast programming and to bring women into positions of importance at broadcasting stations, but they also were means to instruct broadcasters and regulators to see women as a neglected and maligned group, to raise the stature of women's civil rights claims to those of African Americans, and to redefine the interests of women according to the values and goals upon which NOW operated.

In its attack on television stations, NOW stood on the shoulders of previous civil rights activists who had gained recognition for members of the public in administrative hearings. Though the 1934 Federal Communications Act afforded any "party in interest" legal standing to file a petition-to-deny the grant or renewal of a broadcast license, the FCC initially had narrowly defined who constituted a "party in interest." Prior to 1940, in keeping with the policy of other regulatory agencies, the FCC granted this designation only to individuals whose legal rights would be violated by FCC actions or to individuals who could show that an agency policy would actually hurt an interest that the agency was supposed to protect.²⁴⁸ In its *FCC v. Sander Bros. Radio Station* (1940) decision, the Supreme Court extended the definition of who had standing to those who would suffer economic injury based on an administrative agency's policy or decision.²⁴⁹ With respect to FCC decisions to grant or renew broadcasting licenses, the only individuals or parties that were granted standing were those who could show potential electrical interference or economic injury resulting from an FCC action.²⁵⁰

This narrow definition would be challenged in 1964 when the Office of Communication of the United Church of Christ, a church congregation, and two

²⁴⁸ "Standing of Television Viewers," 1511-1512.

²⁴⁹ *Ibid.*, 1512.

²⁵⁰ "Administrative Law," 520.

individuals filed a petition-to-deny the license renewal of WLBT-TV in Jackson, Miss. The petition claimed that WLBT repeatedly had violated the Fairness Doctrine on issues of racial discrimination and had not conducted sufficient ascertainment of the needs of the African American community in Jackson. The Fairness Doctrine, which dated back to 1949, stated that stations had an affirmative obligation to air programs on controversial issues and must allow time for both sides of the controversy to present their views. The FCC policy of ascertainment required licensees to survey community needs and to propose programming schedules to meet those needs. The FCC immediately dismissed the Jackson petition on the grounds that the petitioners did not have standing in the renewal process because they could not show that the granting of the renewal would directly or substantially harm them.²⁵¹ The petitioners appealed the FCC decision, and in 1966 the U.S. Court of Appeals sided with the petitioners.

The *Office of Communication of the United Church of Christ v. FCC* decision was a watershed moment in public interest activism. In this decision, the court asserted that members of the public have a compelling interest in the renewal of broadcast licenses and should be awarded standing by the FCC. Reminding the FCC of the legislative mandate that broadcasters must serve the “public interest,” the court insisted that an effective way for the FCC to gauge whether a station had served its public is by listening to the testimony of *members* of that public. The court encouraged public participation in license renewal hearings, suggesting that the FCC itself could not adequately ascertain the quality of the service any individual broadcaster had provided to its audience. In essence, the court acknowledged that the FCC in the past had acted as an insufficient guardian of the public interest and justified this expansion of standing as a way to correct it.²⁵²

²⁵¹ “Administrative Law,” 518.

²⁵² A year before the *United Church of Christ* case, in a case regarding a public interest group and another federal agency, the court had granted standing to a conservationist group who had protested the licensing of

With regard to the petition-to-deny of WLBT's license renewal, the court mandated that the FCC afford at least one of the petitioners standing and hold a hearing to solicit testimony to determine whether WLBT's license should be renewed. Significantly, the court did not specify which of the petitioners qualified for legal standing. Rather, it provided broad guidelines to the FCC: to have standing, petitioners must be "representative" and "responsible." To be considered "representative," an individual or group must have significant roots in the community, represent a wide range of community concerns, and concern itself with broad and public (rather than narrow and private) interests. The court did not indicate how the FCC should interpret "responsible."²⁵³

NOW modeled its own petitions on a law review article that mapped how women's groups could use existing legal channels to reform the media. In "Federal Communications Law and Women's Rights: Women in the Wasteland Fight Back," Nancy Stanley acknowledged multiple routes for television reform--campaigns against advertisers of offending shows, public shaming of policies and programming of individual stations--but advocated a direct legal attack on the broadcaster, in particular filing a petition to challenge a license renewal. She provided three doctrines that feminists could use to base their complaints: rules requiring community ascertainment, equal employment rules, and the Fairness Doctrine.²⁵⁴ The equal employment rules referred to the FCC's application of Title VII of the 1964 Civil Rights Act to

a power company who had planned to build a plant next to the Hudson River. In its decision, the court stated that private individuals should be given the right to assert and defend interests of the public that a regulatory agency may be neglecting. This decision, anticipating the *United Church of Christ* case, reinvented standing to include groups or individuals who do not suffer legal or economic harm, but who effectively represent a compelling public interest. See "Standing of Television Viewers," 1516-1517.

²⁵³ "Administrative Law," 526-527.

²⁵⁴ Nancy E. Stanley, "Federal Communications Law and Women's Rights: Women in the Wasteland Fight Back," *Hastings Law Journal* 23 (1971-72), 19-20.

broadcasting licensees. The FCC prohibited licensees from discriminating in employment based on race, color, religion, national origin, or sex; the rules also stated that licensees must establish a program to assure equal opportunity in all aspects of employment. The inclusion of “sex” in the FCC’s EEO rules marked an early media reform victory for NOW. When the FCC had announced its equal employment rules in 1969, it did not include sex as a class protected from discrimination. NOW petitioned the FCC in 1970 to reconsider, and in 1971 the commission included “sex” as part of its EEO rules.²⁵⁵

The Fairness Doctrine typically had been applied to news and public affairs programs but, as Stanley indicated, the FCC and the courts had extended it to other types of programming. Stanley offered a two-pronged strategy for women’s groups to use the Fairness Doctrine in their media reform claims. She suggested that women’s groups first point to women’s role in society as a controversial issue of public importance. The cumulative programming on broadcasting stations, Stanley maintained, presented a myopic view of women. Under the Fairness Doctrine, according to this rationale, stations could be required to provide alternative views of women than that depicted in their current programming.²⁵⁶

NOW’s first petition-to-deny, filed by its New York chapter against WABC-TV in May 1972, used Stanley’s model closely to build its case against the station. In the first section of the petition, NOW asserted that at both levels of the ascertainment process—the interviewing of community leaders and the surveying of the general public—WABC had neglected an important part of their community: women and *members of the women’s movement*. Of the forty-nine female community leaders

²⁵⁵ *Window Dressing on the Set: Women and Minorities in Television, A Report of the United States Commission on Civil Rights* (Washington, DC: 1977), 74-75.

²⁵⁶ Stanley, 49.

interviewed not one, according to NOW, represented women's issues. Though WABC had interviewed leaders of the League of Women Voters and Women Strike for Peace, NOW insisted that these groups constituted organizations *composed* of women but not groups focused on women's issues.²⁵⁷ In contrast, WABC "did interview such members of the Black and Puerto Rican communities, and should have treated the community of women with equal concern and with respect."²⁵⁸ According to NOW, WABC had committed two sins: it had mistaken organizations with female memberships as women's organizations and it had failed to extend the same consideration to the women's movements that it had to other civil rights movements. Indeed, in this section of the petition, NOW was somewhat slippery in its use of the terms "women" and "feminists," often indicating that the concerns of the latter were the same of the former. NOW argued that WABC had failed in its ascertainment responsibilities because it had neglected to consult with feminist groups, an oversight especially egregious because members of NOW had notified the station that they would be available for ascertainment interviews.²⁵⁹

The petition also established that the role of women in society constituted a controversial issue of public importance (the first criterion of the Fairness Doctrine) and that the programming on WABC presented one side of the issue (the second criterion). Citing numerous television shows and commercials accumulated through a monitoring program of the station's programming, the petitioners illustrated that women were presented overwhelmingly as wives, mothers, and homemakers. Furthermore, if one watched WABC, one would see an image of women as "flighty, frivolous, simple-

²⁵⁷ "In Re: Application of AMERICAN BROADCASTING CO., Licensee of WABC-TV New York, New York; For: Renewal of License: Petition-to-deNew York," in Donna Allen Papers, Western Missouri Historical Society, 24.

²⁵⁸ "In Re: Application," 23.

²⁵⁹ *Ibid.*, 39.

minded persons, physically attractive but totally incapable of filling positions of independence and authority outside of home.”²⁶⁰ In conclusion, “[b]ased on what they see, WABC-TV viewers will believe, for example, that all women are pregnant housewives – although fifty percent of all adult women work outside the home. They will believe women work to catch a man and can be paid low wages – although two-thirds of women work to support their families.” Significantly, the petitioners concluded their discussion with this statement: “They [viewers] will believe women are emotional, childlike, sexy, and irresponsible--although generalizations about women as a class are no more valid than similar generalizations about Blacks.”²⁶¹

NOW continually drew these comparisons between women’s struggles and the civil rights gains of African Americans. For example, according to the petition, one of WABC-TV’s more disturbing broadcasts of 1972 involved the Olympics. That year, seven of the eight American gold medalists were female athletes. WABC’s newscast dedicated less than a minute to their accomplishments and did not mention the names of the medalists on air. That same broadcast included a two-minute, fifteen-second segment on a pancake-eating contest. To members of NOW’s New York chapter, this slight was emblematic of the way that television stations denigrated the accomplishments of women. To underscore the severity of this action, the petitioners wrote, “No doubt, we would have been shocked if, while Jesse Owens was walking away with the 1936 Olympic prizes, the news coverage was devoted to a watermelon eating contest for Blacks.”²⁶²

In this vein, the petition excoriated a show called “Mantrap,” which began with a cartoon of three circles beating up a triangle, until it becomes flat, after which one of the circles drags it off. In addition to this sequence, which NOW’s members read as mocking

²⁶⁰ Ibid., 83.

²⁶¹ “In Re: Application,” 94.

²⁶² Ibid., 55.

and duplicating men's power over women, the host of the show had introduced female contestants with descriptions like "one of the curviest girls . . . who always looks pretty." To explain why this aside is offensive, in a footnote the NOW petitioners stated, "To recognize how offensive and demeaning this introduction is, it is helpful to transpose the statement to make it applicable to a Black man. For example, we would not tolerate an introduction where he is described as 'a boy with rhythm.'"²⁶³

The NOW petition most clearly underlined this comparison and underscored the consequences on women when it stated:

WABC-TV, like other stations, has abandoned the 'Amos 'n' Andy' image. It would never call Black leaders 'boy' or snicker about the civil rights movement. Nor would it portray Black men exclusively as porters, waiters, and song-and-dance men. Women should be accorded similar unbiased treatment.

In sum, the stereotypes described about would be intolerable if WABC-TV presented them about Blacks or any other minority group. They are no less damaging about women.²⁶⁴

NOW's consistent comparison in the petition between women and African Americans had a four-fold significance. First, it drew on a long-standing feminist strategy dating back to the antebellum period,²⁶⁵ and was a strategy that NOW had employed since its founding.²⁶⁶ A 1966 law review article by two of NOW's founding members, Pauli Murray and Mary Eastwood, drew parallels between the discrimination against African Americans and women: "We think that sex discrimination can be better understood if compared with race discrimination and that recognition of the similarities of the two

²⁶³ Ibid., 67.

²⁶⁴ Ibid., 95.

²⁶⁵ For an excellent overview of the race-gender comparison, see Serena Mayer, "'A Common Fate of Discrimination': Race-Gender Analogies in Legal and Historical Perspective," *The Yale Law Journal* 110, (April 2001): 1045-1087.

²⁶⁶ For example, in a letter to the editor of the *New York Times*, Arleen Emery (NOW, New York Chapter) writes of disgust with the image of women on television commercials. Emery writes, "No sponsor would dare to characterize black people today as being as stupid as the newlywed wife presently depicted in an Alka-Seltzer commercial." Arleen Emery, "Et Tu Alka-Seltzer?," *The New York Times*, June 21, 1970, 97.

problems can be helpful in improving and clarifying the legal status of women.”²⁶⁷ The analogy, for Murray and Eastwood, would elevate the claims of discrimination that feminists raised and articulate them in a language comprehensible to the American public.

Furthermore, a repeated epithet NOW’s members publicly used to describe anti-feminist women was “Aunt Tom.” In defining this term, Friedan relayed the following stories in a 1968 *New York Times* article:

“Once I was interviewed on television and said something about getting more satisfaction out of having a byline than out of washing dishes. And the hostess, a big, tough battle-axe who has worked ruthlessly for her success, smiled tenderly at the studio audience and said, ‘Oh girls . . . what does a byline *mean*? Don’t we all know that being home washing the dishes is the most satisfying work a woman can do?’ That’s a real Aunt Tom.

“A group of us met in Washington with the head of the E.E.O.C. We said one of our complaints was that women were employed only in the most menial jobs in his department. He said, ‘I’m interviewing girls right now for important jobs.’ I said, ‘Mr. Chairman, I would hope you’re interviewing *women*.’ It’s like calling a 50-year-old Negro ‘boy.’ He got the point.”²⁶⁸

Friedan’s example foreshadowed NOW’s use of the race-sex comparison in its petitions-to-deny. An “Aunt Tom,” much like the reviled “Uncle Tom,” identified with the repressive ideology of her oppressors, graciously accepting her second-class status. Furthermore, Friedan’s application of the term underscored the class and race-based assumptions she makes about the women for whom she speaks.

Second, the constant women vs. African American mistreatment documented in the petition highlights one of the key limitations of the NOW petition. When NOW raised hypothetical examples of unthinkable treatment of African Americans on

²⁶⁷ Pauli Murray and Mary O. Eastwood, “Jane Crow and the Law: Sex Discrimination and Title VII,” *George Washington Law Review* 34 (1965-66), 223.

²⁶⁸ Martha Weinman Lear, “The Second Feminist Wave,” *The New York Times*, March 10, 1968, 50.

television, they consistently were of Black *men* (Jesse Owens, porters, and so on). NOW implicitly failed here to acknowledge that the community of women also included Black women, Latina women, poor women—in other words, groups whose needs and interests would not be met by the recommendations and complaints of NOW in this action. NOW's petition, in trying to define women as a class, erased the differences between women and the varying struggles that they faced. Though the organization would correct this oversight later on in the decade, the petitions drew upon this limiting analogy.

Third, as NOW made claims that insulting images of African Americans had disappeared from the airwaves, African American activists themselves were filing petitions with the FCC to expose and ameliorate discriminating practices and representations on television. The same year that NOW filed its petition against WABC for example, the Paterson Coalition for Media Change filed a petition with the FCC against stations in New Jersey that ignored African American and Hispanic members of the community.²⁶⁹ In May 1972, Black Citizens for the Media signed agreements with WNBC and WABC, both in New York, in which the stations agreed to hire more African Americans and to program more black-oriented shows; the organization filed a petition-to-deny against WCBS, with whom the activists could not reach an agreement.²⁷⁰ In 1975, in a rare case where the FCC sided with petitioners and revoked broadcasting licenses on content-based allegations, the FCC rescinded the licenses of nine Alabama television stations, all part of the Alabama Educational Television Network, for refusing to carry programming that featured African Americans. Indeed, petitioners had calculated that one-half of one percent of the stations' programming featured African Americans, a level only reached because the stations carried *Sesame Street*. When NOW

²⁶⁹ "Challenges From All Sides in New York Renewals: For First Time Women's Lib Appears in New Wave of Coalitions and Causes Opposing Applications of 26 Stations," *Broadcasting*, May 8, 1972, 34.

²⁷⁰ "Two of Networks' O&O's Sign with N.Y. Coalition," *Broadcasting*, May 22, 1972, 8.

made its claims about African Americans, they reflected the perceptions of the feminists rather than the actualities of televisual representations of African Americans.

Finally, in this context the comparison was a savvy strategic maneuver that enabled the organization to use television reform to make its own civil rights claims. By the time NOW had filed its petitions, the representations of African Americans in the media had gained legitimacy as a compelling civil rights issue. For example, the 1968 Kerner Commission Report, whose purpose was to study the causes of race riots, had underscored media's role in contributing to racial tensions between blacks and whites. Studying the role of the mass media in the coverage of race riots, the report found that news stories skewed what had happened. It also asserted that the news media had neglected the problems of poor blacks for way too long and had failed to understand that members of their audiences include African Americans. To rectify this problem, the commission recommended that news organizations hire black journalists and editors.²⁷¹ The report urgently identified diversity in the media as crucial for the public interest, a call heeded by the FCC when it enforced EEO policies for all broadcasting licensees in 1969. The report, coupled with the FCC's EEO policy, conceded that televisual images and discriminatory hiring practices at broadcasting stations had a meaningful impact on the civil rights of African Americans. By making the comparison between African Americans and women, therefore, NOW could try to show how destructive images and paltry female employment similarly violated the civil rights of women.

The comparison was important at the *production* level (production of programming, employment at stations), but also at the level of *reception* (composition of the broadcasting *public*). In preparing for the *United Church of Christ* case, the

²⁷¹ "The Kerner Report," in *Readings in Mass Communication: Concepts and Issues in the Mass Media*, eds. Michael C. Emery and Ted Curtis Smythe (Dubuque: Wm. C. Brown Company Publishers, 1974), 520.

petitioners had conducted a detailed monitoring study of racist programming carried by WLBT, as well as the absence of African Americans on WLBT's schedule. WLBT was one of two television stations in Jackson, where forty-five percent of the population was African American. They had illustrated, for example, that the station repeatedly violated the Fairness Doctrine when, in news programming on civil rights, only aired the segregationist point of view. If the ruling in *United Church of Christ* expanded the definition of who composes the public and what constitute its rights in general, it specifically afforded such power to African Americans. By making the comparison to African Americans, NOW tried to legitimate women was an analogously crucial part of the public.

A final part of the WABC petition focused on how television news programs neglected to cover key events in the women's movement. The WABC petition noted that the station only gave ten seconds to the passage of the Equal Rights Amendment (ERA) in Congress listed it as the second to last news story of the day.²⁷² I aired five editorials about the women's movement, four of which were negative, one neutral.²⁷³ On March 24, two days after the passage of the ERA, the station ran a sixty second story on the amendment: "Roger Grimsby reported on a small group of women who oppose the ERA and who insist that women's rights leaders only speak for 3% of the population. 'Now,' Mr. Grimsby said, 'the male chauvinist pigs will have something to oink about; the girls are fighting among themselves.'"²⁷⁴ To NOW, this attitude was indicative of the station's approach to the women's movement as either a joke, or as a topic to be ignored.

WABC-TV had offered to negotiate with NOW, in particular on its employment practices. However, the station would not be flexible on its programming decisions. The

²⁷² "In Re: Application," 97.

²⁷³ Ibid., 101

²⁷⁴ Ibid., 98.

New York chapter, the national coordinator, and NOW's lawyers agreed that the area of programming was critical and rejected WABC's offer for negotiation. The WABC petition thus became the first petition-to-deny filed solely on behalf of women and the first to use the Fairness Doctrine to apply to entertainment programming.²⁷⁵

In its response to NOW's petition, WABC accused the group of misusing the petition-to-deny license renewal for purposes for which it was never intended. The station characterized the petition as a "general criticism, from its parochial viewpoint, of the television industry and of Commission requirements for renewed applications."²⁷⁶ In other words, WABC argued that NOW was seeking to use the petition-to-deny as an attack on network practices and misinterpreted FCC requirements for license renewal in its discussion of WABC's failings. The first charge was undoubtedly true. Due to its limited resources, NOW initially chose to focus on stations particularly influential in local markets or on network-owned stations. NOW did indeed seek to transform the television industry but, constrained by the doctrine of localism that undergirds broadcast regulation, judiciously chose stations whose reform would make the greatest impact. The choice of WABC as its first target, and WRC (an NBC owned station in Washington, DC) as its second, was in keeping with this strategy.²⁷⁷ Whether this tact was a misuse of procedure would be up to the FCC to decide.

Outside the area of employment, WABC's response dismissed NOW's claims and accused the organization of misleading the commission in its petition. WABC asserted that NOW's complaints regarding ascertainment essentially boiled down to a complaint that the "right" women were not interviewed, not that women as a group had been

²⁷⁵ "Updated on NOW National FCC Task Force," November 17, 1972, in Donna Allen Papers, Western Missouri Historical Society Archive.

²⁷⁶ "WABC Response to NOW Petition," January 13, 1973, in Donna Allen Papers, Western Missouri Historical Society Archive.

²⁷⁷ Lewis, 80.

neglected. Furthermore, the station stated that the people interviewed and surveyed had different priorities than NOW, and that the women's movement was not an issue that was raised substantially in their ascertainment findings. If WABC failed to dedicate a substantial amount of time to it, then it was not ignoring the stated interests of its community. However, the station argued that it had provided substantial coverage to the women's movement and suggested that NOW's monitoring of its programming was insufficient. The WABC response further attacked NOW's understanding of regulatory policy. It stated that an evaluation of journalistic decisions is outside the purview of the FCC. Furthermore, it strongly suggested that an application of the Fairness Doctrine to programming would not be something that the FCC should allow. Finally, WABC insisted that it intended to increase the number of its female employees in the future and the network had created an executive position, an Equal Employment Opportunity Manager, to insure that stations do not participate in discriminatory hiring and promotion practices.²⁷⁸

The FCC dragged its feet for two years in responding to the NOW petition, only issuing its decision after the U.S. court of appeals mandated that it act. The FCC ultimately rejected NOW's petition on the grounds that it had not raised sufficient claims to warrant an evidentiary hearing. The commission agreed with NOW that the role of women in society constituted a controversial issue. It also believed that entertainment programming could fall under the purview of the Fairness Doctrine, though only when programming would "contribute to or constitute a discussion" of an issue of public importance. The FCC did not agree that the portrayal of women in a particular role constituted a "discussion," and thus WABC had not violated the Fairness Doctrine. Finally, the FCC agreed with NOW that the number of female employees was low, but

²⁷⁸ "WABC Response to NOW Petition."

the revised EEO programs of the station convinced the commission that WABC was within the “zone of reasonableness” with regard to the employment policies.²⁷⁹

So in its first battle with a network-owned station, NOW technically lost. However, in a broader sense, the petition against WABC was a crucial and important step in NOW’s efforts toward media reform. This petition brought the issue of destructive media images of women into the public eye. As George Gent wrote in *The New York Times*, the WABC petition “is believed to be the first attempt to force the Federal regulatory agency and the public to recognize the role television plays in creating and reinforcing sex-role stereotypes.”²⁸⁰ The NOW actions were opportunities to articulate the hazards that television programming had on women, bring women into the fold of considerations of fair and equitable programming, and assert that women composed part of the broadcasting public that stations had a legal responsibility to serve.

Furthermore, NOW’s actions against this station communicated to broadcasters across the country that the organization was serious about its broadcast reform efforts. Frequently in this era, petitioners had used the petition-to-deny as a bargaining chip to gain the attention of stations, not actually to revoke a license. A petition-to-deny could make the renewal process lengthy and costly for a station, and always carried with it the potential threat of the loss of a license. Stations often would strike an agreement with petitioners, typically by revising their hiring and promotion policies, agreeing to establish an advisory council of members of the community to consult on programming decisions, and conceding to dedicate a portion of the programming schedule to shows that would serve the needs of a neglected part of the broadcast community. After reaching an agreement with a station, petitioners would rescind the petition-to-deny.

²⁷⁹ Lewis, 117-118.

²⁸⁰ George Gent, “Women’s Group Challenges WABC-TV’s Renewal,” *The New York Times*, May 2, 1972, 87.

Following its actions against WABC, NOW chapters reached agreements with many local broadcasters and averted the need to see through a petition-to-deny by striking deals that addressed many of the organization's central concerns. NOW chapters capably convinced broadcasters across the nation that women constituted a significant portion of their public. Broadcaster recognition of women, both as audience members and as workers, was one crucial victory that resulted from NOW's media activism. Another, as discussed in the next section, was the educative function of NOW's media reform strategies.

THE WIDER IMPACT OF NOW'S PETITIONS I: LOCAL CHAPTERS

Nicholas Johnson was an atypical FCC commissioner, in many ways trivial (he looked more like a hippie than a bureaucrat) and substantial (he continually battled against fellow commissioners, Congress, and broadcasters to enforce the "public interest" mandate of broadcasting law). In the midst of his tenure (1966-1973) at the FCC, Johnson published *How To Talk Back to Your Television Set* (1970), an impassioned call-to-arms to citizens to challenge the hegemony of broadcasters over what passes over television screens. Johnson wrote, "The right to petition one's government, guaranteed in the First Amendment to the Constitution, has become the need to petition one's media – usually television. That is how a citizen helps to change things. That is how he communicates with his fellow citizens. As we've discovered, even a riot is a form of communication."²⁸¹ Johnson's claims underline that of many public interest and activist groups of the era. To make substantive social changes in a mass-mediated age, media reform must be part of the agenda. Furthermore, media activism is a form of civic engagement, as Johnson's words suggested, both as a way to reimagine the civic body--

²⁸¹ Nicholas Johnson, *How To Talk Back To Your TV Set* (Boston: Little Brown, 1970), 187.

who gets represented on television--and as a public process in which viewers transform themselves into citizens, articulating through their activism their vision of and their demands for a better society.

In addition, as Johnson stated, “[t]he whole theoretical foundation of American broadcasting is the tie of a local station to its community and its local service.”²⁸² Television reform, by the legal structure of broadcasting, is fundamentally a local activity. Even though by 1934, when Congress issued its Federal Communications Act, national networks were set to dominate broadcast radio, legislators decided to maintain the doctrine of localism they had established in the Radio Act of 1927. The FCC was to license local stations, not national networks, which had the obligation to serve the needs of the particular communities in which they broadcast. Thus the “public” of the “public interest” requirement was the local public, whose needs and interests were to be met in broadcast programming and who, by the late 1960s, should be represented on the payrolls of their local broadcasters.

For NOW, television reform activism took place at the level of local chapters, though guided by the organization’s national task forces on media. In the process of instructing members of local chapters how to be effective media activists, NOW’s leadership educated them on how to be both critical television viewers and civic actors. Indeed, NOW’s members became knowledgeable of administrative policies regarding broadcasting, of their rights and interests as members of the public, and of how to promote changes in programming and employment practices. Their media reform efforts not only resulted in new partnerships with and promises by local broadcasters, but also allowed local members of NOW chapters to “communicate with their fellow citizens” on

²⁸² Ibid., 213.

the need to eradicate inequity--in particular sexism--by allowing new images and voices in the mediated public sphere created by television.

With NOW's first petition-to-deny still pending a response by the FCC, the organization recruited local chapters across the country to monitor, engage, and possibly challenge the broadcasters serving their communities. In May 1974, NOW's Broadcast Media Task Force sent a newsletter to all local chapters entitled "NOW Media Project: An Action Plan to Create a Feminist Media." Significantly, the action plan described in the pages of the newsletter centered on reforming existing media structures and practices, not--as other feminists of the period would advocate--the creation of alternative feminist media to counter the mainstream. Indeed, the three highlighted long-term objectives of NOW in this arena were to get more (and more fair) coverage of feminist issues in broadcast programming, achieve a more balanced depiction of women in all programming, and improve the status of women who work in the broadcasting industry.²⁸³

The strategy advocated that local chapters follow the roadmap Stanley had offered in her 1971 article. In the first pages of the newsletter, NOW's membership was provided a description of the license renewal process, their rights as part of a broadcast public, and the legal foundations of the three areas listed above. Additionally, each of the terms employed (ascertainment, Fairness Doctrine, equal employment) were defined as legal concepts (including where in statute or FCC policy they appear) and as activist strategies (how specifically they could apply to feminist media concerns).²⁸⁴

NOW's chapters set up local task forces focused on broadcast media reform. These task forces were to inspect the public files of a broadcasting station, set up a

²⁸³ "Now Media Project: An Action Plan to Create a Feminist Media," May 1974 in Donna Allen Papers, Western Missouri Historical Society.

²⁸⁴ Ibid.

monitoring project to examine the content of stations' programming, prepare themselves to be ascertained effectively by local stations, arrange meetings with local broadcasters to discuss any concerns regarding programming or employment, and--failing to negotiate a settlement with a station--file a petition-to-deny license renewal with the FCC. The newsletter provided a detailed list of how to find information in public files regarding the employment and ascertainment strategies of a station. It also gave specific instructions on how to meet with broadcasters to maximize NOW's ability to convince them to reform their policies, which included the writing of memoranda and specific proposals as workable documents that would be the basis of discussion and negotiation. The petition-to-deny was presented as a last resort for NOW chapters to be used only if stations refuse to compromise with the organization.

Key parts of the preparatory work in these campaigns were studies that monitored the content of individual broadcasting stations. When monitoring programs, participants would pay attention to *how* women and women's issues were represented and discussed, and to *how much* time stations dedicated to women's rights and issues. Specifically, monitors would record the characteristics (gender, race, approximate age, occupation) of television characters and figures. They would register how much time each news story was granted and account for stories that were under-reported or neglected. They also were to pay attention to the implied gender and race of voice-over voices and figures of authority both in commercials and in non-narrative programming and examine the conclusion of narratives and determine the characteristics of the individual(s) who resolved the conflicts. The results would be concrete, statistical information about how women fared on a particular television station, information that stations could not dismiss as anecdotal or inconsequential.

Importantly, the monitoring strategy also taught NOW's members to look at the cumulative effect of the broadcasting day, rather than to hone in on particularly offensive programs or advertisements. Much in line with Raymond Williams's insight about television flow, published concurrently with NOW's monitoring studies, NOW approached television not as a series of discrete texts, but as a medium whose programming was continuous and whose impact should be gauged accordingly.²⁸⁵ In his *Television: Technology and Cultural Forum* (1974), Williams emphasized that what defines the television experience is not discrete texts, but televisual flow—the seamless flow of texts and advertisements from one to the next. NOW deployed a similar definition when in its monitory study of WRC-TV (Washington, DC; NBC) it drew from ads, game shows, variety shows, children's programs, soap operas, prime time programs, and news reports.²⁸⁶ Thus, monitoring programs not only provided a critical lens through which to view television, but also implicitly recognized television's flow as a defining characteristic of the medium. The entire broadcasting day, including advertisements, was up for scrutiny, and the combined impact of the messages communicated would provide the basis of the feminist critique.

Many NOW chapters, utilizing the above strategies, successfully struck deals with local broadcasters. For example, NOW's Houston chapter reached an agreement with KPRC-TV in June 1974 wherein the station agreed to recruit women employees and to establish (with the help of NOW) a Women's Advisory Council to confer with the station on how best to cover issues of concern to women and to plan programming that addressed specific areas of interest; in addition, the station promised to increase coverage

²⁸⁵ Raymond Williams, *Television: Technology and Cultural Form* (London: Routledge, 1974 [2003]).

²⁸⁶ National Organization for Women, *Women in the Wasteland Fight Back: A Report on the Image of Women Portrayed in TV Programming: Survey of WRC-TV Public Affairs and News Programming Since February* (unpublished manuscript, 1972).

of the women's movement on the news and of women's athletics.²⁸⁷ Around the same time, the San Diego NOW chapter reached "by far one of the best agreements to date concerning the image of women in television" with KCST-TV, in which the station promised to employ women to mirror their ratio in the labor market and to devote twelve shows in prime time dedicated to women's issues over the next two years. In Denver, the NOW chapter, in coalition with other women's minority groups, reached an agreement with KWGN that, similar to the Houston arrangement, established an advisory council and secured programming commitments and employment gains for women and minorities.²⁸⁸ Indeed, by mid-1974, NOW chapters had reached fifteen agreements with local radio and television stations that "deals with the issues of the image of women in the media."²⁸⁹

The local chapter media activism not only engaged NOW's membership as citizens, it resulted in meaningful negotiations with local broadcasters to better serve their publics. In addition, NOW chapters often acted in concert with other women's and civil rights groups to challenge broadcasters. The advisory councils--which were a consistent part of broadcaster agreements and hearkened back to the radio councils of the 1930s²⁹⁰--typically brought together representatives from a wide array of women's and civil rights groups. For example one of the earliest councils, formed in 1972 as part of an arrangement with WTAE-TV in Pittsburgh, included members of Pittsburgh's NOW chapter, the League of Women Voters, Black Business & Professional Women, Women

²⁸⁷ "Memo of Agreement," June 24, 1974 in Donna Allen Papers, Western Missouri Historical Society Archive.

²⁸⁸ "Recent Chapter Developments," NOW Newsletter, July 15, 1974, in Donna Allen Papers, Western Missouri Historical Society Archive.

²⁸⁹ Ibid.

²⁹⁰ For a discussion of radio councils, who functioned in an advisory capacity to radio stations, see Donald Guimary, *Citizens' Groups and Broadcasting* (New York: Praeger, 1975), 19-32

in the Urban Crisis, the NAACP, the Pittsburgh PTA, the YWCA, Black Women's Association of Pittsburgh, Hadassah, and both the Republican and Democratic Parties.²⁹¹

Media reform activism, in the form of direct negotiation with broadcasters, provided a forum for NOW to collaborate with other women's rights groups and with many civil rights and public interest groups who had a shared stake in reforming television. To be sure, NOW had been part of widespread feminist coalitions prior to its media reform activism. It had joined the Congress to Unite Women, a coalition of groups calling for legal reforms, along more radical groups like WITCH.²⁹² NOW notably had organized the Women's Strike for Equality on August 26 1970, which across the nation brought together women of all ages, political orientations, and group membership; publicized the women's movement and its goals; and legitimated women's rights as an important political and social issue.²⁹³ The media activism, however, was a way to cohere the women's movement at the local, rather than the national, level and to bring women from various organizations together to improve broadcast station practices. Furthermore, through its media reform, NOW worked with a variety of civil rights groups, outside of organizations specifically dedicated to women's rights, which united the organization with larger movements for social justice and equality who were active in the 1970s.

In sum, NOW's media reform campaigns transformed media consumers into citizens/members of publics, redefining their relationship with broadcasters from one predicated on the reception of media texts to one that iterated the rights of viewers as part

²⁹¹ Listed in Appendix A to the Statement of Kathleen Bonk, Senate Testimony, *Hearings on Broadcast License Renewal Bill on H.R. 370*, 93rd Cong., June 1974, 482-483.

²⁹² Linda Greenhouse, "Women's Groups Pressing Reforms," *The New York Times*, November 25, 1969, 51.

²⁹³ Jo Freeman, *The Politics of Women's Liberation: A Case Study of an Emerging Social Movement and its Relation to the Policy Process* (New York: David McKay Company, Inc. 1975), 84.

of the civic body who had a legal stake in broadcasting. NOW's national leadership continued to encourage this role a few months later when, facing deregulation of the license renewal process, the heads of NOW's Media Reform Task Force encouraged members of local chapters to write to senators expressing opposition to the proposed rules. Reminding viewers that "[t]he airwaves belong to you," NOW asserted that alterations to license renewal requirements could fundamentally restrict the ability of citizens – "labor, consumers, minorities, the poor, farmers, or 'middle America'" – to maintain that the mediated public sphere provided by broadcasters was responsive to the publics that it served. In encouraging this form of civic participation, NOW allowed its own members and the larger broadcast public to see the ties between broadcasting policy reform, a responsive media, and a healthy democracy. In addition, as the following section will show, the process of challenging license renewals legitimated NOW as an organization with a stake in media reform and provided its leaders opportunities to testify in front of Congress over the structure and goals of broadcasting policy and its relationship to the social justice aims of feminists.

THE WIDER IMPACT OF NOW'S PETITIONS II: BROADCASTING POLICY AND FEMINISM

Whitney Adams, the national coordinator of NOW's FCC Task Force, testified in front of Congress in June 1973. The previous day, Kathy Bonk--a member of NOW and of two women's advisory councils to television stations in Pittsburgh--had appeared before the same congressional committee. Congressman Torbert MacDonald (D-Mass.) had asked Bonk: "What is your definition of sexism as opposed to sex?" Bonk's reply echoed a familiar NOW refrain: "The best understanding would be to compare the definition of sexism and racism. Sexism is discrimination against any person because of

their sex.”²⁹⁴ Adams initially addressed her remarks the following morning to that very question asked of Bonk, taking a different tack: “in my opinion the difference is that sex is fun and sexism isn’t.”²⁹⁵

Significantly, both comments were made in the context of hearings to discuss broadcast license renewal. Adams, Bonk, additional representatives from NOW, and other members of civil rights groups appeared before Congress to register their disapproval for the proposed deregulation of broadcasters. Congress at this time contemplated expanding the length of a broadcasting license from three to five years and removing barriers to incumbents for license renewal. In addition, Congress considered making it more difficult for an incumbent licensee to face loss of a license. In 1969, the FCC had not renewed the license of WHDH-TV (Boston), and instead granted the license to a competing applicant. Though the FCC later asserted that WHDH was a special case of a station that repeatedly over the course of its term had been a sub-par licensee, and that its transfer of its license to new station owners did not represent a break in FCC policy, the broadcasting industry and its allies in Congress were nervous that this case would serve as a precedent that would destabilize the industry and make broadcasters too vulnerable to loss of their licenses. The new policy would require the FCC to determine, before looking at competing applications for a license, that a licensee had not served the public interest. In other words, license renewal was to be secure for broadcasters if they minimally served the public interest during the previous term of their license. Competing

²⁹⁴ House of Representatives Committee on Interstate and Foreign Commerce, *Hearings on Broadcast License Renewal Bill on H.R. 370*, 93rd Cong., 1973, 494.

²⁹⁵ *Ibid.*, 518

applicants, even if promising to be far superior to current license-holders, would not receive consideration unless the FCC already decided not to renew the license.²⁹⁶

The testimony of members of NOW at the hearings only rehearsed many of NOW's findings regarding sexism and television, but provided opportunities to articulate in a public forum the entrenched relationship between perceptions of women and the material discrimination that women faced in the United States. The work done by NOW in amassing evidence against broadcasters equipped its members both to participate in legislative hearings over broadcasting policy and to show law-makers how regulation of broadcasting was intrinsically tied to the eradication of social injustices, in particular sexism.

Members of NOW testified both in front of the House and the Senate to protest these policy changes. The first to appear was Jan Crawford, a member of the NY chapter of NOW and an array of other women's groups, who testified alongside Helen Blume, also of NOW, and Cynthia Goulder, member of NBC's Women's Committee for Equal Employment Opportunity. Crawford issued the official statement, though both she and Blume participated in the question-and-answer session with congressmen that followed. In her statement, Crawford made four central points: (1) broadcasters discriminate against women in their employment practices; (2) images of women on television contribute to their low regard and status nation-wide, and likely contribute to point (1); (3) the only recourse women's groups have had, given the hostility or silence that broadcasters often afford them, is the challenge to license renewal; and (4) therefore, an expansion of the term of a license and the deregulation of the renewal process will severely limit the

²⁹⁶ "The FCC and Broadcasting License Renewals: Perspectives on *WHDH*," *University of Chicago Law Review* 36 (1968-69): 872-984; and Hyman H. Goldin, "'Spare the Golden Goose'—The Aftermath of *WHDH* in License Renewal Policy," *Harvard Law Review* 83 (1969-70): 1023-1024.

ability of women's groups to reform images of women and sex discrimination in hiring.²⁹⁷

In the questioning session after the testimony, the congressmen interrogated all four prongs of Crawford's testimony.²⁹⁸ In the process of answering questions, Crawford and Blume articulated what constituted sexism, defined the goals of the women's movement, illustrated how media reform and eradication of sexism were deeply entwined, and attested to why the license renewal process was a crucial strategy for women's activists. These themes would also recur in the testimony of Bonk and Adams. For example, MacDonald began his questioning by asking about the relationship Crawford drew between employment discrimination broadly and images of women on television. Crawford, who had experience in media sales, was turned down for a job at ABC because she was told "I am not interested in a woman." The following exchange took place:

Mr. MacDonald: No, I am not talking about your background. I am talking about the background of the ABC official who said he was not interested in having a woman. You say he automatically thought all women were childlike, subservient idiots, and incapable of assuming full responsibility [as per media representations]. That is possible. But it is also possible he may have a bad marriage.

Ms. Crawford: I don't think employment standards should be based on his personal experience in his marriage.

Mr. MacDonald: I am not saying that it should. I am saying that is another possibility. You jump at the conclusion that you were being put down just because this man did not think a woman would fit the job.

Ms. Crawford: That is sex discrimination, I believe.

Mr. MacDonald: Well, yes, I guess it is on his part.²⁹⁹

²⁹⁷ House Hearings, *Broadcast License H.R. 370*, 402-405.

²⁹⁸ *Ibid.*, 405-425.

²⁹⁹ House Hearings, *Broadcast License H.R. 370*, 409-410.

The testifiers received similar skepticism from Congresswoman Cardiss Collins (D-Ill.), who implied that the reason why women did not receive similar levels of employment in broadcasting is because they had not attended professional schools, in particular engineering and business schools, to qualify them adequately. She asked, “How can women be discriminated against today as far as industry is concerned if these women do not have the training?” Blume asserted that, in fact, many women were qualified and still suffered discrimination; she also pointed out that much of the training in the broadcasting industry happens in-house, training that women would not be eligible for if they could not gain entry in the first place.³⁰⁰

In Crawford’s response, she again drew on personal experience to expose sex discrimination in the broadcasting industry and linked small strides forward to the license renewal process:

Ms. Crawford: I know many women from the media area who until recently had no opportunity in broadcast sales until recent months. Because of the ABC-TV license challenge stations are under more pressure to upgrade women. I personally spoke with about six different companies about sales positions. One of the answers was hysterical because it was the only negative reply that the person interviewing me could come up with—that they could not tell as many jokes at their sales meetings if women were present. This is ‘subtle’ discrimination. There are women interested in sales. I can guarantee you that. I have spoken with many, and in New York they are beginning—they are beginning to interview these women. Before the license challenge women were not being interviewed for these positions or they weren’t described as positions that women could fill. There are women within the network and stations who are very capable of going from clerical positions in sales to selling outside and who, until recently, were not being considered—and are still having a difficult time being considered.³⁰¹

Another congressman challenged this use of the petition-to-deny as a means to attack the problem of employment discrimination and asked: “What do other people in industries do who have the same problem? Suppose there is discrimination in the banks?” To which

³⁰⁰ Ibid., 413.

³⁰¹ House Hearings, *Broadcast License H.R. 370*, 414.

Crawford replied: “Banks are not Federal licensees.” She later clarified: “We are talking about the public airwaves here and broadcasters’ responsibility to the public. Their responsibility is much clearer and more direct than employee at a bank having some difficulty. The employee at a bank is not effecting the communications system of this country.”³⁰²

A concern of MacDonald’s, raised both with Crawford and later with Adams, was whether one could characterize television as particularly demeaning to women, since men on television appeared as buffoons as well. He pointed to a particular television commercial about two men arguing about bleach as indicative of men’s silly representation, and challenged Adams’s contention that Dingbat (Edith) on *All in the Family* suffered a worse fate than Archie in her depiction. Both women, in keeping with NOW’s emphasis, directed the congressman’s attention away from individual shows or ads to discuss how women were consistently presented in demeaning or diminished roles. This tack was consistent with the monitoring campaigns and petitions of NOW, and underscored the organization’s understanding of broadcasting flow.

Perhaps the most persistent area of concern for the congressmen was the use of the petition-to-deny as a strategy to attack the problems of media representation and employment discrimination. MacDonald, though acknowledging that sex discrimination was a problem, questioned whether the challenge to a license renewal was the best way to fight it. He likened the action to shooting a squirrel with an elephant gun. Crawford conceded the point, but asserted that “the petition-to-deny is the only effective tool available at this time.”³⁰³ This was a point reiterated by Bonk when she testified in front of the committee. She too highlighted how television’s tremendous power to influence

³⁰² Ibid., 418-419.

³⁰³ House Hearings, *Broadcast License H.R. 370*, 423.

people and how the image of women on television is disappointing. However, she spent much of her testimony charting how the threat of a license challenge to three Pittsburgh television stations in 1972 was *the* catalyst that forced the stations to negotiate with NOW's Pittsburgh chapter to address some of the complaints regarding programming and employment. "Prior to any talk of license renewal, prior to any knowledge that as citizens we did have legal rights and a framework to reach broadcasters," Bonk stated, women were ignored as serious community leaders and news-makers." However, "when threatened by a petition-to-deny when approaching the final date of filing, did the television stations respond to any of the proposals made by NOW." ³⁰⁴

Unlike in New York, when the New York chapter did file its petition, the Pittsburgh chapter capably negotiated with the stations but, as Bonk highlighted, these agreements resulted only from the pressure the station felt at the potential of a license challenge. As a result, the stations and women's groups in the area had "opened the doors for a channel of communication." Bonk underlined, "None of this would have happened if citizens had not had available to them the use of a petition-to-deny."³⁰⁵ The length of the license term, she concluded, would disadvantage the public and their ability to have broadcasters listen to their concerns. Like Crawford, Bonk revealed that this action, though seeming extreme, had been the one way to force broadcasters to be responsive to members of their publics.

The proposed revisions to the license renewal did not pass, and NOW's leadership took some of the credit for its defeat.³⁰⁶ In addition to a fight to retain current policy, the testimony of NOW's members underlined how the organization understood that feminist

³⁰⁴ Ibid., 477.

³⁰⁵ Ibid., 479-480.

³⁰⁶ Joyce Snyder and Kathy Bonk, "Welcome to the Feminist Media Revolution Newsletter," July 19, 1974 in Donna Allen Papers, Western Missouri Historical Society.

goals and media reform were inseparable and provided a platform for NOW's members both to define sexism and to illustrate how broadcast practices contributed to it. The testimony further legitimated NOW as an organization with an interest in broadcasting policy, the realization of its larger goals contingent on a regulatory structure that provides, in Bonk's words, "channels of communication" with the broadcasters whose programming shapes public conceptions of women.

CONCLUSION

Diana (Faye Dunaway) in *Network* (1976) was both a timely and prescient character. In this scathing film about television, Diana is an accomplished television executive who infuses the news division with entertainment values, employing a psychic as a news personality and allowing Howard Beale (Peter Finch), a former anchor in the throes of a nervous breakdown, to preach on-air. She personifies the sensationalist values that are the downfall of serious television. She literally replaces Max (William Holden), a craggy old newsman who had worked with Edward R. Murrow and who embodies the Golden Age of television news, at the fictitious network. She is at once what NOW worked throughout the 1970s to achieve—a woman in a position of power in television—and perhaps the organization's worst nightmare. Diana's character is a repository of the nastiest characterizations of feminists: she is cold, self-involved, and cares only about her career; she climaxes during sex when talking about her vision for the network. *Network* can be read not only as an excoriation of television, but as a backlash against the media activism of groups like NOW who aggressively tried to bring women into the fold of television.

Throughout the 1970s, NOW's use of the petition-to-deny established the connection between televisual representations of women and the very conditions

feminists sought to change. Furthermore, as this chapter has illustrated, NOW's media reform campaigns transformed media consumers into citizens/members of publics, redefining their relationship with broadcasters from one predicated on reception of media texts to one that iterated the rights of viewers as part of the civic body. In encouraging this form of civic participation, NOW allowed its own members and the larger broadcast public to see the ties not only between feminism and media reform but between broadcasting policy reform, a responsive media, and a healthy democracy.

And while NOW, like many activist groups, would abandon the petition-to-deny by the end of the decade, the organization stayed actively involved in television reform efforts. The costs of filing a petition, coupled with the move to deregulation in the 1980s (see chapter 6), dampened the enthusiasm for challenging license renewals and public interest groups turned to other forms of media reform. In the 1970s, alongside their other work, NOW participated in a coalition with groups like Planned Parenthood to encourage sponsors to support Maude, of the series *Maude*, for the episode where she gets an abortion. NOW also joined the Advisory Committee of National Organizations (ACNO) for the Corporation of Public Broadcasting. In this role, NOW tried to ensure that the new public broadcasting system avoid the negative stereotyping of women so common on commercial stations.³⁰⁷ Throughout the 1980s, NOW continued its media reform work, from filing complaints against ABC's and CBS's decisions not to air Public Service Announcements about birth control to defending women who lost their jobs in television because of sexual discrimination.³⁰⁸ More recently, NOW has been a part of a

³⁰⁷ "NOW Monthly Newsletter," November 1973, in Donna Allen Papers, Western Missouri Historical Society; and "Liberate the Media: National Media Task Force Newsletter," March 1975, in Donna Allen Papers, Western Missouri Historical Society.

³⁰⁸ John Carmody, "The TV Column," *The Washington Post*, September 6, 1985, sec. D6; Jacqueline Trescott, "A Fund to Fight Sexism: Two Women, NOW Battle Harassment," *The Washington Post*, May 15, 1985, sec. B2.

widespread coalition (see chapter 6) to fight relaxed media ownership rules and in particular has focused on the impact new rules would have on minority and female ownership of broadcasting stations. While NOW no longer challenges license renewals, the organization continues to fold media reform efforts within its feminist project.

Furthermore, activists in the twenty-first century have revived the petition-to-deny as a media reform strategy. Though the petition-to-deny had seemed an obvious victim of deregulation, the 2007 National Conference on Media Reform held a session on “How to Challenge a License Renewal,” in which representatives of activist organizations detailed how and why they had filed petitions with the FCC against television and radio stations across the country. Much like petitioners in the 1970s, groups like the Youth Media Council, Iowans for Better Local TV, and Chicago Media Action did not expect their petitions necessarily to result in the revocation of licenses. Rather, they had three primary purposes: to create a paper trail documenting the alleged abuses of broadcasters; to put pressure on broadcasters to improve or ameliorate their programming; and to engage citizens in the media policy and reform work as a means to revitalize a democratic public sphere. Much like NOW and other activist groups in the 1970s, the petitioners saw in filing a petition a reclamation of their civic rights, as members of the broadcasting public, to a media system ostensibly predicated on public interest objectives.

This later enthusiasm for the petition-to-deny had yet to take on the same proportions it had had in the 1970s. Indeed, in the 1970s, social justice used policy reforms to gain the direct ear of broadcasters and their regulators in their attempts to bring television into the fold of the more democratic, multi-cultural, and just society they were trying to establish. NOW actively participated in this movement, asserting an intertwined relationship between media reform and feminist goals. As this chapter has

argued, NOW's petitions-to-deny only nominally aimed to revoke broadcasting licenses. They were opportunities for the organization and its members to assert the enmeshed relationship between media representations and women's oppression and, importantly, to lay claim to women's civic membership. The petition-to-deny process, along with its involvement in other forms of broadcast reform, reconstituted NOW's members as part of the broadcasting public with legally-sanctioned rights to challenge the programming and practices of broadcasters.

Chapter 5: The Media Research Center and the Battle Against the “Liberal News Media”

In each monthly issue of *MediaWatch*, the Media Research Center (MRC) gave its “Janet Cooke Award.” The award, which was received by a representative of almost every major mainstream news organization over the ten years (1988-1998) that the MRC published *MediaWatch*, honored the news story of the previous month that the MRC deemed most unconscionably biased. Cooke, the award’s namesake, had been a reporter for the *Washington Post* and a recipient of the Pulitzer Prize for a feature she had written on a heroin addict. Cooke later returned her prize and lost her job at the newspaper after admitting that the subject of her article was a fake--not an actual person, but a composite of many people she had met. In evoking Cooke in its awards for over ten years, the MRC implicitly called its winners liars, biased reporters shirking their professional responsibilities. Though this charge was often hyperbolic and over-stated, over the course of a decade *MediaWatch* continued to find some unlikely recipient to single out as especially biased and irresponsible.

The bestowing of the Janet Cooke award typifies a tack that the MRC has taken in its media reform efforts. Founded by L. Brent Bozell III in 1987, the MRC’s mission has been to chart liberal bias in the mainstream news, paying particular attention to television network newscasts. The MRC has collected data, statistics and direct quotation, to corroborate its claims of bias. Using a Nexis database, the MRC has monitored the news stories of television networks, cable networks, magazines, and newspapers. The use of direct quotations and statistics, according to the organization, proves the presence of bias and counters claims that such allegations are impressionistic or anecdotal. Additionally, the MRC often has presented its findings in a humorous manner and has used a tone of

comic disbelief in the way it reports on bias in the news. The Cooke award typifies this strategy, as does the MRC's list of "Notable Quotables," direct quotations it finds especially slanted and/or funny, and the its annual banquet honoring the journalists who--in its estimation--have made silly or especially slanted remarks, for years referred to as "The Linda Ellerbee Awards for Distinguished Reporting." According to Bozell, the MRC had named the award after journalist Ellerbee because she "epitomizes a liberal blowhard who has nothing to say."³⁰⁹

The MRC has become an important contributor to public perceptions of American media practices. Since its founding, it has disseminated its findings to subscribers, all members of both houses of Congress, the major mainstream news organizations, and conservative talk show hosts, pundits, think tanks, and publications.³¹⁰ The MRC, thus, has waged its reform fight on the battleground of discourse. Its purpose has been to direct the public to see the media as it sees it: as controlled by liberal eastern elites who are both out-of-touch with America's mainstream and who mask their partisanship with false claims of objectivity. Media reform, in this case, has functioned as a tool in the political battle waged by contemporary conservatism.

As this chapter will illustrate, the MRC has forged a reciprocal union between media reform and conservative activism. As such, the work of the MRC has functioned to cohere a disparate conservative movement around the issue of the media. As historian George Nash has noted, the label "conservative" has been an umbrella term for divergent and often conflicting movements³¹¹, such as economic libertarianism, social traditionalism, and neo-conservatism. The MRC has illustrated that what can bind

³⁰⁹ Joe Queenan, "The Media's Wacky Watchdogs" *Time*, August 5, 1991, 54.

³¹⁰ Brent Baker (vice president for research and publications, Media Research Center), in conversation with the author, January 2005.

³¹¹ George Nash, *The Conservative Intellectual Movement in America Since 1945* (New York: Basic Books, Inc. Publishers, 1976).

conservatives of all perspectives is a shared antagonism toward the media that treat the views of all conservatives with either disregard or hostility. Its publications attack the media's coverage of stories on fiscal policy, moral and social issues, and American foreign policy. In sum, one of the primary accomplishments of the MRC has been to create a discursive frame through which to view the media, one that sees the mainstream media as overt and consistent in its antagonism to every kind of conservative. The work of the MRC suggests that no matter what kind of conservative one is, one should hate the mainstream media.

In addition, as this chapter will show, the MRC has positioned the public interest as synonymous with a conservative worldview. In the process, the MRC continually has argued that the liberal media inflicts harm on the polity itself and on the possibilities of a functioning democracy. It encourages and reinforces the dichotomy that positions liberals as elites, conservatives as of the people and representative of the "common man." It therefore constructs its role not only as media watchdog and guardian of conservative views, but simultaneously and seamlessly as the protector of the American public itself. Furthermore, this discursive frame has been accomplished by the way that the MRC constructs a narrative of victimization that positions conservatives--and the broader American public--as the undeserving victims of an irresponsible, yet immensely powerful, liberal media.

The MRC's reform tactics are designed specifically to accomplish these goals. Unlike previous media reformers--who have looked to legislative action, changes in FCC policy, or shifts in industrial practices--the MRC primarily has set its sights on changing the national discourse on the media. Its primary aim, according to MRC Vice President for Research and Publications Brent Baker, is to discredit the mainstream media and to

encourage the American public not to trust it.³¹² The MRC widely disseminates its conservative critique which, in turn, has contributed to the parameters of a national conversation over the media. In sum, it has taught Americans how to watch the news media and, in the process, to view it through the lens of contemporary conservatism. Its focus on public discourse is a strategic maneuver to shape public perceptions of the media and to redefine the terms upon which national debates over the media take place. In the process, it simultaneously points to its evidence of a liberal media as a means to reassert that conservatives constitute the marginalized and victimized group within American society.

The MRC conflates Republican with conservative, Democrat with liberal. As such, the terms' deployment in their publications has been more pragmatic than ideologically consistent. In this chapter, my use of these terms reflects how the MRC employs them. In addition, though the MRC's overarching emphasis has been news telecasts, the object of its study is the mainstream media writ large: television, newspapers, magazines, and radio. It makes no distinctions between or across media, and its work rests on the premise that all media share not only a similar bias, but occupy an equivalent role in audiences' lives. That said, despite the proliferation of media outlets online, the MRC continues to focus on television (though with an increased emphasis on cable), and print publications. Maintaining that these are the sources that a majority of Americans use as their primary source of news, the MRC has kept its attention on older distribution platforms.

³¹² Baker conversation.

MRC: HISTORY AND STRATEGIES

When Bozell founded the MRC, he followed in the footsteps of previous conservative activists. The MRC, much in the tradition of conservative groups like Reed Irvine's Accuracy in Media (AIM), has monitored television newscasts (the major networks, PBS, and CNN), newspapers, and magazines to document examples of liberal bias. Bozell writes a syndicated column and has appeared, along with other members of the MRC, on television repeatedly to weigh in on the issue of liberal media bias, perhaps contradictorily utilizing the very media the MRC vilifies in order to disseminate its critique of it. In its attacks, the MRC has foregrounded the political leanings of editors and journalists and has suggested that it is these individuals, not corporate owners or sponsors, who bear tremendous power in dictating the political content of the nation's newscasts.

While the MRC has continued the work of conservatives in its media reform efforts, its strategies also mark a departure from both previous and contemporary conservative activists including a second Bozell organization, the Parents Television Council. While previous reformers have looked to some form of regulation to correct the alleged liberal leanings of the media, the MRC steadfastly has rejected a policy corrective. Embracing the ideology of deregulation and the free market, the MRC has opposed any additional regulations on broadcasters, even ones that could benefit the interests of conservatives. Change, for the MRC, takes place outside of the arena of policy and legislation; it comes to large degree through shaping public perceptions of the media, by teaching members of the public to view the media through a conservative lens, and in continuing its steady campaign of intimidation through its publications to pressure news organizations to foreground conservative viewpoints.

This strategy, reform through the circulation of intimidating materials, harkens back to the publication of *Red Channels* in 1950. As discussed in chapter 2, the American Business Consultants, author of periodical *Counterattack: Facts to Combat Communism*, published *Red Channels: The Report of Communist Influence in Radio and Television* --a list of 151 performers, writers, directors, producers, and musicians who allegedly had subversive affiliations-- on June 22, 1950. Three former FBI agents (Kenneth Bierly, John Kennan, and Theodore Kirkpatrick) had formed the American Business Consultants in 1947.³¹³ They sent the pamphlet free-of-charge to the near 4000 subscribers to *Counterattack* and sold it in newsstands and in bookstores.³¹⁴ Three days after *Red Channels'* publication, the Korean War began, intensifying the impact of the pamphlet. Executives in the broadcasting industry, from both a security and a public relations standpoint, felt that they could not ignore *Red Channels* or the communist threat in American broadcasting that it pointed to.³¹⁵ What resulted was an unpublicized blacklist, with performers or writers not getting jobs because they "were not right for the part," a veiled excuse to hide the fears of communist accusations. In essence, *Red Channels* paved the way for the work to be done by the MRC in both its attack on media workers and in its strategy of using publications and the court of public opinion as its reform strategy.³¹⁶

³¹³ Merle Miller, *The Judges and the Judged* (Garden City: Doubleday & Company, Inc., 1952), 80.

³¹⁴ *Ibid.*, 100-101.

³¹⁵ *Ibid.*, 100-101.

³¹⁶ *Red Channels* came on the heels of a conservative attack on Hollywood. In 1940, Congressman Martin Dies made a national address on subversives and communists, singling out Hollywood's talent guilds and unions as hotbeds for subversive activity. The following year, Senators Gerald Nye and Burton Wheeler held hearings on the motion picture industry alleging that communists had infiltrated the movie colony, using it as "a propaganda machine," anticipating the much more infamous and extensive hearings that House of Un-American Activities Committee (HUAC) would hold in 1947 on communist influence in Hollywood. In these hearings, HUAC called on members of the movie colony to testify to their own behavior and that of people with whom they had worked. Ten subpoenaed individuals refused to testify. This group, known as the Hollywood Ten, was indicted for contempt of Congress and was blacklisted from working in the film industry. This incident proved to be a cautionary tale and communicated to workers in

The substance of the MRC's conservative media critique was first articulated in the late 1960s. At the end of 1969, Vice President Spiro Agnew delivered two speeches criticizing the news media, in particular the television networks. In the first of the speeches given in Des Moines in 1969, Agnew's goal was "to focus your attention on this little group of men who [...] wield a free hand in selecting, presenting and interpreting the great issues in our nation."³¹⁷ Agnew stressed that members of this group "live and work in the geographical and intellectual confines of Washington D.C. or New York City,"³¹⁸ and represent a provincial eastern group who is out-of-touch with most of the nation. Referring to telejournalists and producers as "a tiny, enclosed fraternity of privileged men elected by no one,"³¹⁹ Agnew insisted that the "views of the majority of this fraternity do not—and I repeat, not—represent the views of America."³²⁰ He suggested that "we'd never trust such power, as I've described, over public opinion in the hands of an elected government. It's time we questioned it in the hands of a small and unelected elite."³²¹ Agnew's focus on the biography of the men responsible for the news and his contention that their shared eastern elitist background was responsible for the slanted presentation of current events would have a contemporary echo in the publications of the MRC.

Also in 1969, Irvine started AIM in as a one-man operation. He quickly recruited other members, and by the early 1970s, AIM's budget expanded, as did its public profile.

Hollywood that even the suspicion of communist sympathy would not be tolerated. See Thomas Schatz, *Boom and Bust: American Cinema in the 1940s* (Berkeley: University of California Press, 1997), 38-41 and Jon Lewis, "'We Do Not Ask You To Condone This: How the Blacklist Saved Hollywood'" *Cinema Journal* 39 (2000), 6-7.

³¹⁷ Spiro Agnew, "The Des Moines Speech" in *Readings in Mass Communications: Concepts and Ideas in the Mass Media*, eds. Michael C. Emery and Ted Curtis Smythe (Dubuque: Wm. C. Brown Publishers, Inc., 1974), 499.

³¹⁸ *Ibid.*, 501.

³¹⁹ *Ibid.*, 502.

³²⁰ *Ibid.*, 502.

³²¹ *Ibid.*, 506.

AIM functioned as a precursor to the MRC, its goal to publicize its account of a liberal media bias. It flooded newspapers with letters to the editor and, in cases when the papers refused to run a letter, bought advertisements detailing its allegations of bias.³²² AIM published a biweekly newsletter, *The AIM Report*, and enlisted subscribers to write letters to media corporate executives and advertisers regarding the offenses of the liberal press. In the mid-1970s, Irvine initiated one of his more unorthodox strategies in his campaign for media reform: he bought shares in media corporations so that he could attend annual shareholder meetings and introduce resolutions. At these meetings, Irvine would deride shoddy reporting, and demand that action be taken. In 1982, he caused a stir at a CBS meeting by accusing Walter Cronkite of being a shill for the Soviets. In 1984, Irvine so disrupted a *Washington Post* meeting that he was threatened with rejection;³²³ Benjamin Bradlee, the former executive editor of *The Washington Post*, used to refer to Irvine as a “miserable, carping retromingent³²⁴ vigilante.”³²⁵ Though theatrical and belligerent, Irvine’s actions also pointed to his determination quite literally to confront the liberal media establishment as he saw it. It was a form of direct attack that the MRC would elide in favor of insinuation and accusation in its publications.

Edith Efron’s 1971 book *The News Twisters* further codified the attack on a liberal media. Efron, a staff writer for *TV Guide* and later assistant to Objectivist philosopher Ayn Rand, studied news coverage on the three major television networks for a two month period in 1968 (the ninety days leading up to the presidential election) by taping and transcribing the news shows. She chose a set of controversial issues to focus

³²² Michael Massing, “Who’s Afraid of Reed Irvine? The Rise and Decline of Accuracy in Media,” *The Nation*, September 13, 1986, 200.

³²² *Ibid.*, 200.

³²³ *Ibid.*, 200.

³²⁴ A “retromingent” is someone who urinates backwards.

³²⁵ Dinesh D’Souza, “Eye on the Press: Accuracy in Media,” *The National Review*, November 2, 1984, 36.

on including the presidential race, Vietnam policy, black militants, the left, conservatives, demonstrators, and violent radicals. From her body of evidence, she then isolated stories on these issues and calculated the percentage of words “for” and “against” individuals or sides of issues. After this study, Efron concluded “it is clear that network coverage tends to be strongly biased in favor of the Democratic-liberal-left axis of opinion, and strongly biased against the Republican-conservative-right axis of opinion.”³²⁶ Celebrated by the *National Review*, who called Efron’s results “even more scandalous than might have been anticipated” and her conclusions “irrefutable,”³²⁷ *The News Twisters* strongly bolstered conservative claims of liberal bias and provided the template for future arguments about the slanted presentation of the news for groups like the MRC.

However, Efron’s recommendation to address this issue of bias—a recommendation seconded by writers in the *National Review*—was increased federal monitoring and regulation of broadcasting. Specifically, Efron suggested that the FCC should be more active in enforcing its Fairness Doctrine. Adopted in 1949, the Fairness Doctrine was two-pronged: it asserted that broadcasters have an affirmative responsibility to cover controversial issues and it mandated that broadcasters allow time for both sides of the controversy to present its position. This policy codified a central tenet of the FCC’s interpretation of the “public interest” requirements of broadcasters. Indeed, the FCC had been actively involved in ensuring the adequate discussion of current affairs since its inception as the Federal Radio Commission in the late 1920s. Efron’s call, therefore, drew on a long-established precedent that the FCC considered the presentation of the news in a balanced way to be an essential part of broadcasters’ responsibilities. Irvine, too, was an advocate for greater enforcement of the Fairness Doctrine. Asserting

³²⁶ Edith Efron, *The News Twisters* (Los Angeles: Nash Publishing, 1971), 47.

³²⁷ “The News Twisters,” *The National Review*, October 10, 1971, 1159.

that the Fairness Doctrine provided conservatives with the regulatory justification to demand a presence in broadcasting, Irvine understood that the Fairness Doctrine could benefit American conservatives seeking a voice in broadcasting. In contrast, the MRC, founded the same year that the Fairness Doctrine was repealed, rejected both this approach and the views of regulation and the state that it embodied.

Bozell and much of the MRC's original staff initially worked for conservative organizations committed to electing more conservative public officials and broadening the base and influence of conservatism. The MRC specifically grew out of John "Terry" Dolan's National Conservative Political Action Committee (NCPAC), formed in 1976, and its sister organization, the National Conservative Foundation (NCF), founded in 1980. Dolan had formed the NCPAC after the Supreme Court allowed, in its *Buckley v. Valeo* (1976) case, the formation of political action committees to fund political campaigns. The NCPAC raised money, issued advertisements in support of conservative candidates, and launched campaigns against overly liberal politicians. In 1980, Dolan started the NCF as a non-profit organization that had similar aims, if not different responsibilities, than NCPAC. As a political action committee, NCPAC could accept donations of at most \$5000 from individuals and had to report all contributions to the Federal Election Committee; the NCF, as a non-profit organization, did not have funding limitations. Furthermore, the NCF could take aim at other conservative concerns beyond the promotion or denigration of political candidates.

By the early 1980s, Dolan and the NCF began to focus on the media. In a March 2007 article in *The Washington Times*, Bozell recounted a conversation he had with Dolan in the parking lot at the Dallas-Fort Worth airport, in which the two brainstormed why in their view good, conservative candidates could not get elected. Determining that the fault likely lay with the "liberal media," they decided to put media reform at the

center of the NCF's agenda.³²⁸ In June 1983 the NCF sponsored a conference entitled: "The Conservative Movement and the Liberal Bias in the Media: A Private Conference to Plan the Conservative Counter-Attack." Participating in the \$250 a person conference were Republican senators John East (N.C.), Don Nickles (Okla.), Charles Grassley (Iowa), and Roger Jepsen (Iowa). FCC chairman Mark Fowler had been scheduled to give the keynote address but bowed out at the last minute because of concerns over the appropriateness of his appearance.³²⁹ The conference, which focused on how to confront the "liberal" news media, revealed a split amongst conservatives on the issue of news bias. On one side were activist Richard Viguerie and Congressman Newt Gingrich (R-Ga) who believed that conservatives should form "intelligent relationships" with the news media and develop contacts with members of the press. Dolan and Irvine of AIM adopted a much more belligerent attitude. Irvine in particular advocated threatening sponsors of offending shows; both men favored the creation of new networks and publications to counter the "liberal" mainstream media.³³⁰

The NCF's focus on the media continued to escalate in the 1980s. In 1985, it began a \$1 million campaign to call the media's "liberal bias" to the public's attention. "We believe that the media acts as if it were a wholly owned subsidiary of America's liberal establishment," stated Dolan. "We are trying to have the American people know that this bias exists. We want them to do nothing more than take what you in the media say with a grain of salt."³³¹ The NCF earmarked money for television, radio, and newspaper ads; for bumper stickers that read "I don't believe the liberal media"; and for a

³²⁸ Robert Stacy McCain, "Keeping the Press Honest: Watchdog Media Research Center Marks 20 Years," *The Washington Times*, March 1, 2007, sec. A02.

³²⁹ John Carmody, "Now Here's the News" *The Washington Post*, June 6, 1983, sec. B9; and Chuck Conconi, "Personalities," *The Washington Post*, June 9, 1983, sec. C3.

³³⁰ Charles Mohr, "The Press: How to Use It Or Lose It," *The New York Times*, June 28, 1983, sec. A24.

³³¹ "Liberal Bias of Media Alleged by NCF Campaign," *Broadcasting*, July 8, 1985, 81.

newsletter to be entitled *NewsWatch* that it would disseminate to its members, conservative organizations, members of Congress, and the media. Brent Baker, who would later head the news division of the MRC, was hired by the NCF in 1985 to edit *NewsWatch*.³³² As would be the case with the MRC, the NCF's campaign tried to affect public opinion on the media, not to alter FCC policies or to gain access to television producers directly.

The following year, the NCF targeted PBS as an especially biased and dangerous disseminator of liberal views in the media. In the fall of 1986, PBS ran a 9-part mini-series entitled "The Africans," authored by Ali A. Mazrui, a Kenyan intellectual who held faculty positions at the University of Michigan, Ann Arbor and the University of Jos in Nigeria. PBS promoted the mini-series as the first program where Africa was presented to viewers through the eyes of an African. However, to conservative groups including the NCF, the program was not just pro-African, but anti-western. The National Endowment of the Humanities, under the leadership of Lynne Cheney, castigated the show and had its name removed from its list of sponsors. The NCF spearheaded a campaign denouncing the program, running advertisements that announced: "If you hate America, you'll love 'The Africans.'" Again, this NCF campaign against "The Africans" was largely a public relations project to alert the viewing public of the purported slanted perspective of the series.³³³

After the "Africans" episode, the NCF launched a \$2 million campaign called the "Presidential Support Project" to rally support around President Reagan in the midst of the Iran-Contra controversy. Bozell saw the Iran-Contra investigation as the mean-

³³² Baker conversation.

³³³ Sandra Gregg, "'The Africans': The Calm Behind PBS' Stormy Series," *The Washington Post*, October 5, 1986, sec. Y7; and John Carmody, "The TV Column," *The Washington Post*, November 3, 1986, sec. B8.

spirited attack of a “leftist elite” who was “trying to get even” with Reagan. In response, Bozell and the NCF pledged to “raise a national uproar against the liberal lynch mob that has tried President Reagan since he took office in 1980.” The NCF’s campaign consisted of mass mailings and television commercials urging the public to protest the news media and members of Congress over the Iran-Contra investigations. Simultaneously, the NCPAC announced it would monitor the behavior of members of Congress and would target vigilant investigators in the 1988 election.³³⁴

Significantly, Bozell’s and the NCF’s early interest in the media developed within the context of how to promote conservatism more broadly. The MRC has continued to use its attacks on the media as a way to embolden and unite conservatives. It is this objective, not the reform of media institutions themselves, which guides its strategies and accounts in part for its rejection of regulatory answers to the issue of liberal bias it so meticulously documents. The MRC, like the NCF before it, has circulated its readings of media texts and has labeled their content not only liberal, but anti-American. In the process, it simultaneously popularizes a conservative worldview and creates a frame that views the media through the lens of conservatism.

In September of 1987 Bozell left the NCF, taking much of the staff with him, and formed the MRC.³³⁵ After Dolan died in 1986, Bozell was at odds with Dolan’s sister over the future of the foundation and put his energy into the MRC. Much in the tradition of the NCF’s *NewsWatch*, the MRC from the outset planned to publish a newsletter, *MediaWatch*. *MediaWatch* was divided into several sections that showcased the organization’s findings. In addition to the monthly Janet Cooke award, *MediaWatch*

³³⁴ Robin Toner, “The White House Crisis: Got No Iran Funds, Conservative Says” *The New York Times*, December 17, 1986, sec. A18.

³³⁵ “Conservative Official Resigns,” *The New York Times*, September 1, 1987, sec. A12; and “Thomas B. Edsall, “Head of Conservative PAC Quits in Dispute with Board,” *The Washington Post*, September 1, 1987, 28.

consisted of “News Bites,” short stories that documented instances of liberal bias in the news; a “Revolving Door” section that charted the flow of personnel between political appointments and positions in the media; and a “Study” that looked in depth at one particular issue’s coverage in the media, including statistical data and direct quotations from the news sources studied. In 1989, the MRC launched two additional publications, *TV etc.* and *Notable Quotables*. The latter was a biweekly list of humorous and/or slanted headlines and quotations from the press. The MRC would draw on these lists for the “winners” of its annual awards for bad reporting. *TV etc.*, a comparatively short-lived MRC effort, examined entertainment programming for liberal themes and outed performers who the MRC considered to be politically liberal.

Though the MRC had subscribers who paid for its publications, two-thirds of its circulation was to groups and individuals who received the publications for free, including conservative foundations, magazines, think tanks, talk show hosts, public figures, etc. According to Baker, a goal of the MRC has been to provide “ammunition” to other conservative organizations who may seek to make a compelling case for media bias. At its height of popularity, *MediaWatch* was distributed to over 25,000 readers. The MRC publicized its work through advertisements in magazines like *The National Review* and through direct mail campaigns.³³⁶

Additionally, the MRC annually enlisted the help of prominent conservatives to compile its awards for poor reporting. The participants have included radio talk show host Rush Limbaugh, *Wall Street Journal* editorial writer John Fund, *Chicago Tribune* columnist Stephen Chapman, professor Marvin Olasky, former *National Review* publisher William Rusher, senior editor of *The National Review* Priscilla Buckley, senior vice-president of the Heritage Foundation Burton Yale Pines, columnist and commentator

³³⁶ Baker conversation.

Cliff Kincaid, as well as numerous other talk show hosts, syndicated columnists, and members of the MRC staff.³³⁷ In bringing together conservatives from various media, think tanks, and foundations, the MRC further has cohered its base of conservative support and directly has provided “ammunition” to conservatives to make the case in multiple arenas for liberal bias in the news.

Beginning around 1999, the majority of the MRC’s work has taken place on the Internet, and has included a daily “Cyberalert” email authored by Baker, a weekly “Media Reality Check” email, and the “Notable Quotables” published every two weeks. It also has created the Cybercast News Service which functions as an alternative news source and a newsbusters blog which publishes updated reports on news coverage. Significantly, though the MRC has changed its means of communication in the age of the Internet, it has not altered its perception of the media landscape. Despite the diversified media landscape provided by cable and digital television and by the web, the MRC has maintained that older news sources--the major networks, the *New York Times*, CNN--still provide the majority of public affairs information to citizens and still retain their hegemony over what viewers hear and see. The MRC, in other words, rejects the influence of narrowcasting and niche markets. In large part, and though the organization uses the tools of online technology, the MRC still operates in a three-network world.

In its myriad publications, the MRC has used four primary strategies to persuade of a liberal media bias. Its more in-depth studies typically have prioritized statistical information about how a sector of the media (a single network, all broadcast networks,

³³⁷ Names drawn from the MRC website’s list of judges for its annual award ceremony for 1990-1995. See the Media Research Center website, <http://www.mrc.org/notablequotables/bestof/1990/judges.asp>; <http://www.mrc.org/notablequotables/bestof/1991/judges.asp>; <http://www.mrc.org/notablequotables/bestof/1992/judges.asp>; <http://www.mrc.org/notablequotables/bestof/1993/judges.asp>; <http://www.mrc.org/notablequotables/bestof/1994/judges.asp>; and, <http://www.mrc.org/notablequotables/bestof/1995/judges.asp> (accessed March 26, 2005).

newspapers, etc.) covers a particular issue. For example, a study would note how often pro and anti abortion activists received the label they prefer in news articles covering abortion. Its shorter pieces have alternated between two different modes of presentation: a story that outlines the coverage of an issue in which the MRC provides analysis or pithy asides as commentary; or a story that merely quotes an offending remark or characterization, without much or any comment at all, with the suggestion that the quotation speaks for itself. The Notable Quotables draw on this second tactic as well. Finally, the MRC has charted the professional affiliations and employment histories of media workers and has highlighted their ties to Democratic politicians.

Throughout its twenty-year history, the MRC also has rejected a fundamental staple of deregulation: that our current diversity of media outlets yields a diversity of viewpoints. For the MRC, the dominance of the major networks has not abated in the face of cable news and online news sources. Regardless, though, the MRC remains a staunch advocate of deregulation. “We are free-market oriented here,” stated Baker, and hence oppose further government intervention in the machinations of the media. Baker instead offered two modes of action for people who are sympathetic to the MRC: donate money to the MRC so that it can continue its monitoring of the news *and* talk to neighbors or friends about media bias to engender a greater public skepticism of the “liberal” press.³³⁸ These suggestions underscore the MRC’s focus on creating a widespread public perception that the media is run by a liberal elite, and of forging a conservative critique of the media in line with a libertarian view of regulation.

³³⁸ Baker conversation.

MRC AND AMERICAN CONSERVATISM: UNITING THE MOVEMENT, LAMBASTING THE MEDIA

In its 1990 *Best Notable Quotables* awards list, the MRC gave a “Gorbasm Award” for stories that in its view inappropriately gushed over Soviet Prime Minister Mikhail Gorbachev.³³⁹ Other awards distributed in this list included the “Bring Back the Gas Lines Award,” the “Damn Those Conservatives Award,” the “Paul Erlich Ecological Panic Award,” the “Good Morning Morons Award,” and the “Real Reagan Legacy Award.”³⁴⁰ Each award was given to one first place winner and two runners-up to journalists whose name was accompanied by the quotation that earned the reporters their “honors.” These awards, in addition to revealing the often humorous and glib tone adopted by the MRC, summarize most of the primary political concerns of the organization. Its publications highlight how the media, especially the major television networks, adopt a foreign policy perspective sympathetic to leftist—and even communist—causes, preach secular over traditional moral values, and advocate big government solutions to domestic problems. Additionally, the MRC continually stresses the political party partisanship of the news media by illustrating that Democrats receive

³³⁹ “Gorbasm Award” *The Best of Notable Quotables of 1990: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1990/best7-9.asp#gorbasm>, (accessed March 1, 2005).

³⁴⁰ “Bring Back the Gas Lines Award,” *The Best of Notable Quotables of 1990: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1990/best1-3.asp#gas> (accessed March 1, 2005); “Damn Those Conservatives Award,” *The Best of Notable Quotables of 1990: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1990/best4-6.asp#> (accessed March 1, 2005); “Paul Erlich Ecological Panic Award,” *The Best of Notable Quotables of 1990: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1990/best4-6.asp#erlich> (accessed March 1, 2005); “Good Morning Morons Award,” *The Best of Notable Quotables of 1990: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1990/best4-6.asp#morons> (accessed March 1, 2005); “Real Reagan Legacy Award,” *The Best of Notable Quotables: The Linda Ellerbee Awards For Distinguished Reporting*, Media Research Center website archives, <http://www.mrc.org/bestof/1990/best13-15.asp#reagan> (accessed March 1, 2005).

near-unconditional favorable consideration while Republicans are derided and criticized. In other words, the MRC has showcased how the media allegedly expresses disdain and hostility to all conservatives. In this, the center continues the work begun in the postwar period to cohere an often disparate conservative movement; for the MRC, the glue that binds is a shared antagonism to a liberal media.

Indeed, Bozell comes from a line of prominent conservative intellectuals. His father L. Brent Bozell II and his uncle William F. Buckley Jr. were outspoken proponents of conservatism at a moment—the 1940s and 1950s—when liberalism seemed to be hegemonic and conservatives saw themselves as political and intellectual outsiders. Both men were widely published, and they collaborated on a book that defending McCarthyism and started the publication that would cement the conservative ascent into American politics and culture, *The National Review*. In fact, we could tell the story of American conservatism in the latter half of the twentieth century through the Bozell family. What began as the work of intellectuals to forge a movement in response to the dominance, as they saw it, of liberalism has transformed into a widespread popular movement that often sees as its targets cultural and social institutions.

Though American conservatives in the 1940s and 1950s disagreed on many fundamental issues, what bound them together was a distrust of liberalism, a strident commitment to anti-communism, and a perception of their marginal status politically, intellectually, and culturally. In some sense, the two figures that conservatives of this era defined themselves *against* were Franklin Roosevelt and John Dewey. The libertarian strand of the conservative movement was vehemently against the expansion of the government under Roosevelt's New Deal programs. Committed to protecting individual political liberties and private property, libertarians sought to redefine the relationship of the government to citizens by advocating much more limited government intervention in

the economy. The traditionalist faction of the postwar conservative movement was fearful of the intellectual turn that cast out the notion of absolutes in exchange for a view of society in flux, its values contingent on historical and cultural circumstances.³⁴¹ Increasingly, they would also fear the permissiveness and challenge to bourgeois morality that became central to the counterculture of the 1960s. Some conservatives of this era also distrusted mass society, fearing that it contributed to the loss of values that seemed to permeate the culture.³⁴²

All conservatives were united in their commitment to anti-communism, as were liberals during this era. Conservatives, however, understood the danger posed by communism—both domestically and abroad—as the fault of liberals. Conservative intellectuals maintained that liberal leaders in the US had not understood fully the nature of communism, had foolishly appeased communist leaders in the past, and had appointed individuals of “dubious judgment and questionable” to critical foreign policy positions.³⁴³ In sum, according to conservatives the bloated powers of the federal government, the moral morass of the nation, and the impending crisis of communism could be blamed on liberalism and its adherents.

Conservatives in the mid-1950s tried to bring together these strands to cohere into a movement. Central to this process was the creation of publications of conservative thought. Though preceded by the mostly libertarian *The Freeman* and the traditionalist *The Modern Age*, perhaps the most important of these magazines was William F. Buckley’s *National Review*, founded in 1955.³⁴⁴ The *National Review*’s list of editors and contributors included a diversity of conservative intellectuals, its goal to continue the

³⁴¹ Nash, 131.

³⁴² Ibid., 46.

³⁴³ Ibid., 89-90.

³⁴⁴ Ibid., 140.

attack on the left while uniting voices on the right. As Lisa McGirr has illustrated, this print material was crucial to the organizing and development of the grassroots conservative movement of the 1960s.³⁴⁵ Not only did these magazines provide a forum for American conservatives to define themselves politically and ideologically, but they also disseminated conservative ideas to a growing segment of the population disenchanted with the nation's liberalism but outside the intellectual circles that then formed the basis of the conservative movement.

Though sharing a sense that they existed outside of mainstream American political, social, and economic thought, conservatives of this era—and today as well—often held views in stark contradiction with one another. Libertarians, for example, would disagree with the role social conservatives hoped the state would play in curbing behaviors like pre-marital sex, abortion, and homosexual acts. Libertarians also may have been staunchly anti-communist, yet were suspicious of both the intrusion on privacy that the more vitriolic wing of the anti-communist faction advocated and the expanded size of the federal government required to fight communism strenuously abroad. These factions would continue exist and get at the core of tensions within Republican politics and American conservatism more broadly. It is apparent, for example, in the contrast between the MRC, with its embrace of the small government ideal of libertarianism, and Bozell's other organization, the Parents Television Council (PTC), which has agitated for increased regulation of the broadcasting industry, primarily in the form of punitive indecency fines and limitations on media ownership.

The MRC's media critique, in line with postwar conservatism, has viewed liberalism as a totalizing worldview that dominates the mainstream media. Bozell

³⁴⁵ Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001), 97.

defined this all-encompassing liberalism in the conclusion of *Weapons of Mass Distortion*, his 2004 book based on sixty-six studies and 607 quotations compiled by the MRC : “Liberalism looks at America and shakes its head in despair. Liberalism sees America as not just flawed in its institutions, but faulty in its behavior. Liberalism has not forgiven America for leading the Free World against world socialism in the twentieth century.”³⁴⁶ As this quotation indicates, for Bozell and the MRC, liberals are dreary pessimists who hate their country and institutions that shape it; they are anti-American, anti-capitalist, and implausibly moralistic. It is this perspective, according to the MRC, that colors the media's presentation of current events. It is also this perspective, according to Bozell and the MRC, which renders the media unequivocally hostile to all conservatives.

In the view of the MRC, the media unabashedly promote abortion, feminism, and gay rights; loudly and incessantly beat the drum of environmentalism; routinely attack people of faith, saving an especial hatred for Christians; and supports affirmative action programs, which the center deems as reverse discrimination. In the past, the MRC had excoriated the media for presenting communist nations as the moral equivalent of the United States, today for its lack of unwavering support of the Iraq war or the war on terror in which it ostensibly plays a part. The MRC also has lambasted the media for favoring big government solutions to social problems and for rejecting the social and economic benefits inaugurated by Reagan-era reforms. The liberal media, according to the MRC, has attacked each conservative platform--from economic libertarianism to social conservatism to neoconservatism--and has promulgated a view that not only is anti-conservative, but consequently and simultaneously, anti-American.

³⁴⁶ L. Brent Bozell III, *Weapons of Mass Distortion: The Coming Meltdown of the Liberal Media* (New York: Three Rivers Press, 2004), 262.

For example, a consistent complaint of the pages of *MediaWatch* in the late 1980s and early 1990s was that the media too often presented the Soviet Union as the moral equal of the United States, celebrated communist leaders, and intentionally ignored the human rights abuses that went along with communist regimes. In the January 1988 issue of *MediaWatch*, for example, the MRC published a study on the way that the three major networks covered the Reagan-Gorbachev summit the previous December. According to this study, the networks fifty-nine percent of the time presented the Soviet regime and/or its leader as the moral equal to the United States and fifty-six percent of the stories telecast presented the Soviet reform agenda as genuine. In its interpretation of this coverage the MRC wrote: “If you tuned in news coverage of the December Reagan-Gorbachev summit expecting to hear the Soviet line on détente, glasnost, Afghanistan, and the moral equivalence of the two powers, the networks certainly did not let you down.”³⁴⁷

This allegation, that journalists were mouthpieces for what amounted to communist propaganda, was a common theme for the MRC. A March 1988 story in *MediaWatch* lambasted a broadcast on NBC’s *Sunday Today Show* on Cuba, and insisted that host Maria Shriver presented a rosy picture of the country and “mimicked her host’s [Fidel Castro] propaganda line” in her story.³⁴⁸ Five years later, the MRC characterized an interview that Diane Sawyer conducted with Castro as having “the coziness of a *People* profile.”³⁴⁹ *MediaWatch* repeatedly denigrated Ted Turner’s 1988 documentary

³⁴⁷ “Gorbymania with a Twist,” *MediaWatch*, January 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880101.asp#study> (accessed February 15, 2005).

I requested copies of *MediaWatch* from the MRC and was notified that the run of the publication, in its entirety, was available on the MRC’s website. Baker assured me that these documents were identical to what was printed.

³⁴⁸ “Today’s Cuba,” *MediaWatch*, March 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch0301.asp>, (accessed February 15, 2005).

³⁴⁹ “Flattering Fidel,” *MediaWatch*, April 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch0401.asp#NewsBites> (accessed February 20, 2005).

Portrait of the Soviet Union, asserting that it “legitimized some of the greatest myths of the communist system” and agreed with TV critic Tom Shales’ assessment that the series was “more like a postcard from Binky and Biff at Camp Whitewash.”³⁵⁰ The MRC also was continually frustrated that, in reports on the war in Afghanistan, the networks did not fault the Soviets for the violence, but insteadn the Mujaheddin (Afghan freedom fighters). In April 1989, the MRC stated on the coverage of El Salvador, “[i]t was not the decade long crimes of the communists that concerned the networks when covering recent elections. Instead, reporters concentrated almost exclusively on the atrocities of the right.”³⁵¹

Not only had the MRC all but accused the news media of being pro-communist, but it also had suggested that reporters are anti-American. In particular, the MRC asserted that media coverage of U.S. involvement in Latin America had been inappropriately slanted against the actions of the United States. An April 1988 story in *MediaWatch* revealed that the networks portrayed the “U.S. as the real villain” after President Reagan sent troops to Honduras after the Sandinistas had entered the country to destroy Contra camps.³⁵² In December 1989, the MRC gave the PBS series *America’s Century* the Janet Cooke Award with this introduction:

When most Americans look back at the last ninety years, they see a period of greatness which could be rightly labeled “America’s Century.” American Soldiers fought in two world wars to preserve freedom, then showered the benefits of our thriving free market on friend and former foe alike to rebuild from the devastation of war. The U.S. fostered democracy and free enterprise around the world, lifting millions from misery and political oppression.

³⁵⁰ “TBS: ‘Portrait of the Soviet Union,’” *MediaWatch*, April 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch0401.asp#award> (accessed February 15, 2005).

³⁵¹ “Sunday Today: Salvador Slant,” *MediaWatch*, April 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch0404.asp#Award> (accessed February 16, 2005).

³⁵² “Honduran Diversion,” *MediaWatch*, April 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880401.asp> (accessed February 15, 2005).

The Soviets, of course, have a radically different view of the 20th Century. America waged imperialist wars in the Third World, oppressed the working class around the world, and ignored the voice of its own people. Americans might not begrudge the Soviets their opinion, but they would be shocked to find those same arguments promoted on public television. But the fact is that *America's Century*, a PBS series aired in October and November, advocated such opinions with vigor.³⁵³

In this introduction, the MRC fused its two recurring themes: that the media has functioned as a mouthpiece for a leftist and even communist political agenda and that it has consistently maligned the actions of the United States. In this vein, the MRC illustrated that the media's views contradict the anti-communist and neoconservative wing on the conservative movement, consistently articulating a view of foreign policy hostile to their perspective specifically, to the moral superiority of the United States more broadly.

The MRC has continued this line of attack in its more current reports on news coverage of the Middle East. In a 2007 of "Notable Quotables," the MRC implicitly vilified a report by CNN correspondent Jack Cafferty in which he, according the center, suggested that Iran was the moral equivalent of the United States. The MRC also ridiculed a Diane Sawyer report on Syria, using an identical frame as it had to attack Shriver's visit to Cuba. The MRC highlighted how Sawyer's interview with Syrian women focused on their pro-family values, pride in their own culture, and lack of desire to live in a country like the United States. Not only did Sawyer ignore the abuses against women in her piece, "the veteran ABC journalist repeatedly found America lacking in comparison to what seems to be a socialist paradise."³⁵⁴ In its consideration of news

³⁵³ "PBS: America's Century," *MediaWatch*, December 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19891201.asp#award> (accessed February 16, 2005).

³⁵⁴ Sawyer Paints Dictatorial Syria as Pro-Family Paradise," *Cyberalert*, February 13, 2007, Media Research Center website archives, <http://www.mrc.org/cyberalerts/2007/cyb20070213.asp#3> (accessed March 8, 2007).

coverage of foreign policy, the MRC consistently has seen geopolitics through a fairly rigid binary: the virtuous United States and its malevolent, often socialistic, enemies. For the MRC, the news media not only has propped up patently immoral nations, but in doing so has expressed its hostility towards and lack of recognition of America's moral superiority. To find the shades of gray is, in large part, to support the enemy.

Throughout its publications, the MRC also has taken aim at coverage of domestic policies and social issues. If in foreign affairs the news media has been anti-American and pro-Soviet, in domestic affairs it has been aggressively liberal. In these attacks, the MRC courted the social and cultural conservatives who advocate "traditional" values. As such, continuous concerns of the MRC in *MediaWatch* were the media's seeming embrace of progressive positions on abortion, affirmative action, feminism, and gun control. In story after story, according to the MRC, the media has cast these issues in a way that explicitly favors the liberal position. For example, one of the perennial preoccupations of *MediaWatch* was the way the media defines the different positions in the debate over abortion. In a January 1989 study, the MRC found that in telecasts on ABC, CNN, CBS, and NBC, pro-choice advocates were referred to by their preferred label ("pro-choice") ninety-seven percent of the time, while pro-life activists were given their preferred label ("pro-life") only twenty-one percent of the time (other term used: anti-abortion).³⁵⁵ A September 1993 study reinforced this finding, indicating that the media continues to give preferential treatment to pro-choice supporters.³⁵⁶ In addition, the MRC has asserted that the media provides a skewed view of national support for

³⁵⁵ "Networks Prefer 'Pro-Choice, Not 'Pro-Life,'" *MediaWatch*, January 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19890101.asp#Study> (accessed February 16, 2005).

³⁵⁶ "Warped Abortion Terms," *MediaWatch*, September 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch19930901.asp#Newsbites> (accessed March 1, 2005).

abortion by suggesting that a greater proportion of the population supports abortion rights than actually does.

The MRC also has accused the media of a pro-feminist stance. Indeed, in its first issue of “The Best of Notable Quotables,” the MRC selected the following quotation as a biased/humorous example of the press’s treatment of feminism. In February 1988, ABC had chosen Betty Friedan as the “Person of the Week,” explained by Peter Jennings as follows: “And, so we choose Betty Friedan because she had the ability and the sensitivity to articulate the needs of women, which means she did us all a favor.”³⁵⁷ This quotation’s inclusion in “Notable Quotables” indicated that the MRC found it ludicrous or patently wrong, an assertion that was underscored in its coverage of the ABC segment in *MediaWatch*. In the March 1988 issue of *MediaWatch*, the MRC awarded Jennings the Janet Cooke Award for this broadcast on Friedan. The MRC suggested that Jennings had issued a far too glowing assessment of Friedan’s influence, ignoring the “concerns of millions of pro-life, family oriented women” and failing “to mention many of the negative effects her views have had on modern society” such as liberalized divorce laws, the legalization of abortion, and the fight for lesbian rights. This adoration of Friedan, according to the MRC, highlights the media’s feminist sympathies at the expense of the views of “family-oriented women.”³⁵⁸

According to the MRC, the media not only has advocated feminism, but affirmative action as well. In its February 1993 issue of *MediaWatch*, the MRC included two stories that in its view highlighted the media’s embrace of affirmative action policy. In a quick “news bite,” the MRC criticized the networks’ coverage of the death of

³⁵⁷ “Feminism,” *The Best of Notable Quotables 1988*, Media Research Center website archives, <http://www.mrc.org/notablequotables/bestof/1988/best1-3.asp#feminism> (accessed March 1, 2005).

³⁵⁸ “Peter Jennings: ABC News,” *MediaWatch*, March 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1998/watch19880301.asp#award> (accessed February 15, 2005).

Thurgood Marshall. While telecasts celebrated Marshall as a civil rights advocate, they neglected to comment on the fact that “Marshall moved away from racial equality with his support of affirmative actions program.” Interpreting affirmative action as a “game of racial advantage,” the MRC commented that the media had neglected to interpret properly Marshall’s record in light of his support for affirmative action.³⁵⁹ A story in the September 1993 issue of *MediaWatch* criticized a segment on CBS that discussed the failings of the D.C. police force. The story suggested that the segment neglected to consider how affirmative action in the hiring of police officers “drove down standards and elevated irrelevant criteria” and thus greatly contributed to the problems facing the police force.³⁶⁰ With these stories in *MediaWatch*, the MRC has presented affirmative action as unjust and inefficient and has illustrated that the media was unwilling to entertain such assessments of the program.

Another central pre-occupation of the MRC has been the media’s embrace of big government solutions to domestic problems, a pre-occupation that aligned the MRC with the libertarian strand of the conservative movement. First, the MRC constantly has asserted that the media finds problems where none exist. For example, a continual complaint of the MRC has been that the media will find a way to interpret positive economic news negatively. In July 1988, the MRC gave CBS’s segment “American Profile” the Janet Cooke Award for presenting the impact of Reaganomics not as years of prosperity, but as a time when the gap between rich and poor expanded. Not only did the MRC disagree with the latter assessment, but it faulted the network for not prominently

³⁵⁹ “Marshall Memories,” *MediaWatch*, February 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch19930201.asp#NewsBites> (accessed March 1, 2005).

³⁶⁰ “Affirmative Action’s Negatives,” *MediaWatch*, September 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch19930901.asp#NewsBites> (accessed March 1, 2005).

broadcasting the former.³⁶¹ In a study published in the November 1988 issue of *MediaWatch*, the MRC asserted that ABC, CNN, CBS, and NBC reported that “despite the continuing economic boom, the networks depicted an overwhelmingly unhealthy economy.”³⁶² The MRC often interpreted such stories as being part of the media’s pro-Democratic agenda, seeing stories that denounce the health of the economy as helpful to reinforce the political strategies of the Democratic Party.

The MRC also has shown how the news media consistently favors taxation over spending cuts to balance the budget or to diminish the deficit, and how journalists constantly turn to government intervention to solve problems like homelessness, environmental concerns, and health care. The October 1989 winner of the Janet Cooke Award was CBS, CNN, and NBC for their positive coverage of a march to advocate federal funding for the homeless.³⁶³ A September 1993 *MediaWatch* study determined that 70 percent of stories on government-run health systems were overwhelmingly positive.³⁶⁴ ABC journalist Ned Potter won the October 1995 Janet Cooke Award for suggesting that global warming and the greenhouse effect were actual problems that had to be dealt with.³⁶⁵ Dismissive of the benefits of increased government spending and

³⁶¹ “CBS’ *American Profile*: Mourning in America,” *MediaWatch*, July 1998, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880701.asp#award> (accessed February 15, 2005).

³⁶² “Election Year Economic Doom and Gloom,” *MediaWatch*, November 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19881101study.asp> (accessed February 15, 2005).

³⁶³ “Homeless Hype: CBS, CNN, NBC,” *MediaWatch*, October 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19891001.asp#award> (accessed February 16, 2005).

³⁶⁴ “Networks Promote Government-Directed Systems, Obscure Costs, Quality,” *MediaWatch*, September 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch0901.asp#Study> (accessed March 1, 2005).

³⁶⁵ “Scientist Says U.N. Report Includes Acknowledgment That Global Warming Will Be Slight: Potter’s Press Release Presentation,” *MediaWatch*, October 1995, Media Research Center website archives, <http://www.mrc.org/mediawatch/1995/watch19951001.asp#4> (accessed March 12, 2005).

attention to domestic problems, the MRC continually has highlighted the purported agenda of the news media to expand the powers of the state over the lives of Americans.

The MRC has wrapped conservatism in the American flag and has identified the alleged liberal bias of the mainstream media with a vicious anti-Americanism. Its accomplishment, in this light, is twofold: it has argued that the media is hostile to each variant of contemporary conservatism and it has defined conservatism and American patriotism as one and the same. For the MRC, the media's persistent attack on conservative values not only represents the hegemonic perspective that guides them, but constitutes an attack on the American people themselves. The MRC thus has conflated the interest of conservatives with a wider consideration of the public interest itself.

THE MRC, THE "NEW CLASS," AND THE NARRATIVE OF VICTIMIZATION

In *Weapons of Mass Distortion*, Bozell summed up the position that the MRC has taken since its inception: "Reporters, editors, and producers routinely display an arrogance driven by an inflated sense of self worth. They are the enlightened, the elite. This attitude cannot help but distort the way news is covered."³⁶⁶ As this quotation indicates, the MRC has defined journalists and editors as the media elite and has argued that it is these individuals who exert control over the content of the media. In line with this frame, the MRC emphatically has denied that media ownership plays a role in news content. Bozell has characterized the contention that media ownership is of greater concern to media bias than the personnel of newsrooms as "the stuff of Berkeley coffee klatches."³⁶⁷ Baker, in a January 2005 interview, reiterated "it is the liberals who care about ownership." The elites of note for Bozell and Baker are not ones with economic

³⁶⁶ Bozell, *Weapons*, 3.

³⁶⁷ *Ibid.*, 5.

capital, but the day-to-day workers in media newsrooms. Bozell, in *Weapons of Mass Distortion*, continued “like the old *Outer Limits* television series, the left still controls the transmission, still controls all that you see and hear.”³⁶⁸ This domination of the media has enabled the left, according to Bozell, to “*control the public conversation, both political and cultural, in America.*”³⁶⁹

This construction of a liberal media *elite* first gained traction alongside a conservative effort in the 1960s to define conservatism as a populist political force. Recognizing the limitations of receiving widespread popular support on an economic libertarian agenda, conservatives changed their focus to cultural and social issues. This change, according to Kevin Phillips, marked the transition from the Old Right (epitomized in the 1950s by Buckley) that was elitist, opposed to mass culture and politics, and interested in issues of national security and the free market, to a New Right that was populist and emphasized domestic issues like abortion, sex education, affirmative action, and feminism.³⁷⁰ If the Old Right targeted politicians and intellectuals, the New Right took aim at a “new class” of liberal elites who control the nation’s cultural institutions, primarily the academy and the media.

In my analysis of the MRC here, I am recasting the language of the “new class,” which begun as a conservative strategy in the late 1960s. According to this view, the significant elites in the nation are *not* the people with political or economic capital, but those who control the cultural and symbolic realm. As Kevin Phillips wrote in *Mediocracy* (1975), “In increasing measure, America’s new mandarins are not the people who sell manufactured items but the people who shape and market *ideas and*

³⁶⁸ Ibid., 10.

³⁶⁹ Ibid., 10. Emphasis in original.

³⁷⁰ William C. Berman, *America’s Right Turn: From Nixon to Clinton* (Baltimore: The Johns Hopkins University Press, 2001), 28.

information.”³⁷¹ The lines of the cultural divide in this schema are between producers (labor, businessmen) and non-producers (intellectuals, commentators, journalists). This redefinition of alliances unites labor and capital in opposition to the “new class” of cultural elites who set a national agenda according to a liberal ideology. According to critics of the “new class,” the liberal elites mask their own class interest in their advocacy for large government social welfare programs. Furthermore, conservative critics of the “new class” emphasize that on social issues the liberal elite is out-of-step with and dismissive of the interests and values of the American populace. The MRC, in its media activism, has codified and popularized this rhetoric.

The view that the media is run by liberal elites not only positions conservatives like the MRC as fundamentally populist, but also recycles a conservative narrative of victimization. To borrow a concept from John Mitchell, the MRC’s claims epitomize the workings of “trauma envy.” Mitchell defines trauma as the “stunning wound that produces moral authority.”³⁷² His discussion of the culture wars of the 1980s elaborates on what he means by trauma envy and is particularly salient to my discussion of the MRC. He argues that as the social foment of the 1960s exposed the victimization of oppressed groups and the ideological and institutional structures that undergirded it, it simultaneously provided moral authority to these groups and leveled ethical attacks against white privilege, patriarchy, and the hegemony of heteronormative values. In an attempt to reclaim the moral authority conferred upon victims of social oppression, the right in the 1980s targeted left intellectuals in the academy as doing violence to the values and interests of conservatives. Asserting that racism and sexism are traumas of

³⁷¹ Kevin Phillips, *Mediocracy: American Parties and Politics in the Communications Age* (Garden City, New York: Doubleday & Company, Inc., 1975), 17.

³⁷² John Mitchell, “Trauma Envy,” *Cultural Critique* 46 (2000 no. 46): 282.

the past, conservatives argued that they themselves are victims of an ascendant leftist intellectual class who has taken over the academy.³⁷³

For Mitchell, this move constituted trauma envy, a desire for moral authority by a group who had been characterized as the inflictor, rather than recipient of, injury. Importantly, for conservatives to make this claim, according to Mitchell, they asserted that the social conditions exposed in the 1960s had been remedied, and to continue to assert their existence was to foist an undue trauma upon society generally and to attack Americans with a conservative worldview specifically. The MRC has continued the work of these conservatives by applying this narrative to a conservative victimization at the hands of a liberal media. The discourse of the MRC has propelled the new class rhetoric and, in turn has reclaimed a moral authority for conservatives by exposing the trauma inflicted upon them by liberal media elites.

In building its argument that the media is run by liberal elites, the MRC continually has documented the political affiliations and views of journalists and editors, both on and off the air. The revolving door section of *MediaWatch* had functioned explicitly for the purpose, as had many of the stories contained within the publication itself. For example, a July 1988 *MediaWatch* study argued that “there are four times as many reporters, producers and executives shaping Big Media coverage with ties to liberal candidates and causes than to Republicans of any kind.”³⁷⁴ The MRC continually pointed to comments of journalists that indicated their political leanings and, consequently, their liberal bias. Though over the years Lesley Stahl, Ted Koppel, and seemingly everyone who has worked for NPR or PBS, as well as other journalists were the target of MRC

³⁷³ Ibid., 278-281.

³⁷⁴ “Liberals in Control of Campaign Coverage,” *MediaWatch*, July 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880701p1.asp#study> (accessed February 15, 2005).

attacks, former CBS anchor Dan Rather has born a lot of the brunt of this line of inquiry. Bozell dedicated a chapter of *Weapons of Mass Distortion* to Rather's political views and on-air/off-air comments and held him as a model for a liberal journalist whose biases pervade his news reporting.³⁷⁵

Indeed, the MRC consistently has published the comments and behaviors of journalists off-the-air to make the case that the news media is run by liberals. In a December 1989 *MediaWatch* story, the MRC reported on the “liberal Children’s Defense Fund, the major interest group behind the fashionably federalized Act for Better Child Care (ABC) bill calling for subsidies and regulation of day care, raised \$400,000 at an enormously successful fundraiser November 30.” The fundraiser was of note to the MRC because, “the media bigwigs who graced the \$300-a-ticket bash for babysitting regulations: from CBS, *60 Minutes* correspondent Ed Bradley and *Sunday Morning* host Charles Kuralt; *Washington Post* Publisher Katherine Graham; *MacNeil-Lehrer NewsHour* anchor Jim Lehrer; *Today* co-host Jane Pauley; and National Public Radio’s Susan Stamberg.”³⁷⁶ As the MRC listed the journalists in attendance, it not only outed them as liberals. In this, and in the numerous stories like it that the MRC has published, the Center extends its watchdog function not just to news reporting but to the actions and affiliations of journalists themselves. Asserting that liberal journalists yield liberal

³⁷⁵ Bozell, *Weapons*, 57-71. Rather has been a target of the MRC from the very beginning; one *MediaWatch*’s earliest issues, February 1988, featured a story decrying Rather’s liberalism. See, “Rather Obnoxious,” *MediaWatch*, February 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880401.asp#nbites> (accessed February 15, 2005); “Honduran Diversion,” *MediaWatch*, April 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880401.asp> (accessed February 15, 2005); “Haunted Housing,” *MediaWatch*, April 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880401.asp#nbites> (accessed February 15, 2005); “Allied Rights,” *MediaWatch*, March 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19890301.asp#nbites> (accessed February 16, 2005); and “Rather Naïve,” *MediaWatch*, May 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19890501.asp#Five> (accessed February 16, 2005).

³⁷⁶ “Party Politics,” *MediaWatch*, December 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19891201.asp#nbites> (accessed February 16, 2005).

stories, the MRC has enlisted the biographies and behaviors of reporters in its campaign to persuade of intractable liberal media bias.

The MRC not only has criticized the preponderance of liberals in newsrooms, but also the dearth of conservatives. For example, in a 1993 article, the MRC noted the push to diversify news departments along racial and ethnic lines. However, the Center stated, “These movements do not, however, include efforts to diversify the political ideology in newsrooms.” The MRC continued, “The reality is that if you’re a conservative, gaining access to the news media can prove difficult.” Furthermore, the push for ethnic diversity, the MRC anticipated, would intensify the absence of political diversity. Citing a survey that “found minority journalists ‘are much more likely to call themselves Democrats’ (Blacks 70 percent, Asians 63 percent, Hispanics 59 percent, women 58 percent) than the average journalist (44 percent),” the MRC interpreted “this push for ‘diversity’ a catalyst for more ideological uniformity in the media.”³⁷⁷ This line of reasoning underscores the MRC’s contention that the news media is overrun with liberals. More importantly, it articulates one of the central conceits of the organization. The MRC not only equates racial discrimination with prejudice based on political views, but suggests that the latter is the far more pernicious and effective.

One of the most vociferous complaints of the MRC has been over the treatment of Republicans and Democrats in the media. According to the MRC, the media was unconscionably partisan in its reportage, denigrating Republicans at every turn while ignoring their accomplishments, dismissing the wrongdoings of Democrats while celebrating their actions. As Bozell summarizes, “the news media routinely find fault with the actions and personal behavior of conservatives even when the accusations are

³⁷⁷ “Newsroom Ideology Stays Liberal,” *MediaWatch*, September 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch19930901.asp#Eight> (accessed March 1, 2005).

mere allegations.” In turn, he continues, “these same reporters generally overlook changes of inappropriate behavior by liberals even when hard evidence is applied.”³⁷⁸ For example, in 1988, the MRC accused the mainstream news media of hounding Attorney General Edward Meese for the allegations of improper conduct while letting Democratic Speaker of the House Jim Wright, who also had been accused of impropriety, off the hook.³⁷⁹ A *MediaWatch* study later that year suggested that the networks characterized Pat Robertson as an extremist who holds controversial opinions, while Jesse Jackson—an extremist on the left in the MRC’s view—escaped such description.³⁸⁰ The MRC accounted for such discrepancies as blatant partisanship.

This strategy, which highlights how the media rakes Republicans over the coals for crimes committed by Democrats as well, has been one of the MRC’s favorite strategies to support the current Bush administration in the wake of the scandals that has hit it. For example, its March 7 media alert email focused on the TV “onslaught” of coverage of the Scooter Libby verdict, and comparing it to the lack of coverage in 2000 of an aide to Gore for illegal funneling of money to Democratic campaigns. On March 14, 2007, the MRC criticized the media for its focus on the eight federal prosecutors who recently lost their jobs, complaining that the media had neglected to mention that Clinton, when he took office, fired 93 prosecutors.³⁸¹

³⁷⁸ Bozell, *Weapons*, 33.

³⁷⁹ “It’s All Meese and No Wright,” *MediaWatch*, March 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880301.asp#study> (accessed February 15, 2005); and “No Single Standard For Sleaze,” *MediaWatch*, July 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19890701.asp#Study> (accessed February 16, 2005).

³⁸⁰ “Ducking Jackson’s Left-Wing Views,” *MediaWatch*, April 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/watch19880401.asp#study> (accessed February 15, 2005).

³⁸¹ “Nets Ignore Clinton Firing of 93 Prosecutors, Fret Over Bush’s 8,” *Cyberalert*, March 14, 2007, Media Research Center website archives, <http://www.mrc.org/cyberalerts/2007/cyb20070314.asp#1> (accessed March 16, 2007). What the MRC fails to mention in this line of attack is that most presidents, at the beginning of their terms, hire their own federal prosecutors, as did Clinton and George W. Bush. The case under consideration was of federal prosecutors who had been fired for allegedly political reasons. All eight had been appointed by Bush.

The media, according the MRC, not only favors Democrats as individuals but also gives preferential treatment to the Democratic Party. In a front page story in *MediaWatch* in September/October 1988, the MRC announced that reporters on the three major broadcast networks and CNN employed a double standard in their coverage of the national conventions that summer. This article asserted that journalists “in Atlanta fawned over the Democrats and their policies” and ignored controversies plaguing the party and its candidate, whereas at the Republican convention the networks highlighted controversies faced by Republicans. In a number of articles leading up to the 1988 presidential election, *MediaWatch* argued that the press maligned and went after nominee Bush while nominee Dukakis received primarily favorable attention.³⁸²

Though the MRC conceded at times that the press took a harsh tack with President Clinton, it more stridently pointed out how the press had cut breaks for Clinton it had denied to the Republican presidents that preceded him. In a page one article in the June 1993 issue of *MediaWatch*, the MRC reported that though Clinton’s proposed budget would add to the national debt, reporters did not fault Clinton—as they had Reagan and Bush—but praised him for his budget.³⁸³ In October 1995, *MediaWatch* had a story that charged the press with a “media buildup” to Clinton’s 1996 presidential bid, showering him with multiple positive stories despite his low performance ratings.³⁸⁴

³⁸² “Double Standard Evident in Coverage,” *MediaWatch*, September-October 1988, Media Research Center website archives, <http://www.mrc.org/mediawatch/1988/watch19880901p1.asp> (accessed February 15, 2005).

³⁸³ “Reporters Who Trashed Reagan Deficits Praise Clinton For Bigger Ones,” *MediaWatch*, June 1993, Media Research Center website archives, <http://www.mrc.org/mediawatch/1993/watch19930601.asp> (accessed March 1, 2005).

³⁸⁴ “Clinton’s Brilliant Achievements,” *MediaWatch*, October 1995, Media Research Center website archives, <http://www.mrc.org/mediawatch/1995/watch19951001.asp#5> (accessed March 12, 2005). This trend reached its bizarre climax in 2006. In a December 12, 2006 *Cyberalert*, the MRC criticized the media for treating right-wing dictators more harshly than left-wing dictators. In particular, it complained that when Pinochet died, stories solely focused on his “dark legacy,” but ten years prior, when Deng Ziaoping died, the media included his accomplishments (opening China, liberalizing its economy) as well as his drawbacks (Tianmen Square). See “Dictator’s Death Bias: Pinochet Scorned, Deng Ziaoping

From the vantage point of the MRC, liberal reporters unfairly malign, vilify, and accuse Republican politicians, while they treat equally egregious behaviors by Democrats with kid gloves. This is a pose that the MRC has struck continually since it began its work, and is the lens it uses to analyze news stories on the wrongdoings of conservative figures. In this, the MRC continually transforms the reporting on the misconduct or crimes of conservative politicians into hit-jobs, regardless of the merit of the accusation or the profundity of the charge, by insisting that liberal politicians are not treated similarly in the press. Thus, in the work of the MRC, the conservative accused is always a victim, regardless of the crime, of an unabashed liberal media who holds him/her to an unfair standard. Indeed, to read MRC publications is to sense that the only victims in American society are Republican politicians and conservative values, targeted by an unjust and unforgivably biased media.

The MRC has addressed a wide array of social problems--homelessness, environmental concerns, access to health care, gender-based and race-based discrimination, economic inequities--as liberal canards: not real problems, but liberal fictions used as opportunities to tax individuals and restrict the free market. In October 1989, for example, the MRC gave CBS, CNN, and NBC the Janet Cooke Award for their coverage of a march aimed at garnering more federal funding for the homeless.³⁸⁵ The October 1995 Janet Cooke Award went to Ned Potter of ABC news for jumping of the "hyperbole bandwagon" on global warming.³⁸⁶ In March 2007, the MRC took aim at

Mourned," *CyberAlert* December 12, 2006, Media Research Center website archives, <http://www.mrc.org/cyberalerts/2006/cyb20061212.asp#4> (accessed March 9, 2007).

³⁸⁵ "Janet Cooke Award: Homeless Hype: CBS, CNN, NBC," *MediaWatch*, October 1989, Media Research Center website archives, <http://www.mrc.org/mediawatch/1989/watch19891001.asp#award> (accessed February 16, 2005).

³⁸⁶ "Janet Cooke Award: Scientist Says U.N. Report Includes Acknowledgment That Global Warming Will Be Slight," *MediaWatch*, October 1995, Media Research Center website archives, <http://www.mrc.org/mediawatch/1995/watch19951001.asp#4> (accessed March 12, 2005).

Katie Couric for a story on CBS that celebrated a doctor who tries to help level the playing field for his poorer patients. The coverage of these issues continually have incurred the ire of the MRC, as have reports that indicate that discrimination and civil rights violations still play a part in American society.

This position perhaps is best summed up by the quotation the Center chose Arthur Sulzberger's words as its "Quote of the Year" of 2006 in its Awards for Worst Reporting:

It wasn't supposed to be this way. You weren't supposed to be graduating into an America fighting a misbegotten war in a foreign land. You weren't supposed to be graduating into a world where we are still fighting for fundamental human rights, whether it's the rights of immigrants to start a new life, or the rights of gays to marry, or the rights of women to choose. You weren't supposed to be graduating into a world where oil still drove policy and environmentalists have to fight relentlessly for every gain. You weren't. But you are. And for that, I'm sorry.³⁸⁷

In crowning this quotation the "Quote of the Year," the MRC implicitly mocked its content, and suggested that criticism of the war or the integrity of the Bush administration, or the affirmation of civil rights and environmentalism as pressing problems, are ludicrous, laughable, and biased. To the MRC, to write about such issues is to reinforce the fiction that they still exist, to impose a liberal worldview on the American public, and to try to undermine conservative values rooted in ideologies of libertarianism, social traditionalism, and neoconservatism.

CONCLUSION

Ann Coulter, in *Slander: Liberal Lies About the American Right*, writes in her acknowledgments, "Novenas should be said to Brent Bozell and the Media Research

³⁸⁷ "Winning Quotes in the MRC's Annual Award for Worst Reporting," *Cyberalert*, December 27, 2006, Media Research Center website archives, <http://www.mrc.org/cyberalerts/2006/cyb20061227.asp#3> (accessed March 9, 2007).

Center, who have been on the case long before I was.”³⁸⁸ Indeed. In *Slander*, Coulter retreads much of the ground the MRC has walked for twenty years. Coulter ascribes “total hegemonic control of all major means of news dissemination in America” to the left, who she accuses of savagery, paranoia, and elitism and, at one point, she likens to the Klan. Furthermore, like the MRC, Coulter reinforces the new class paradigm and narrative of victimization by lambasting the media for the worldview it promulgates and for the overt and unconscionable hostility shown toward conservative figures and ideas in the mainstream media. *Slander* spent six weeks on the *New York Times* paperback bestseller list, fifteen weeks on its hardcover list.³⁸⁹ Bernard Goldberg’s *Bias*, which similarly argues for widespread liberal media bias, spent eleven weeks on *New York Times* paperback bestseller list, twenty on its hardcover list.³⁹⁰

Over its twenty year history, the MRC has contributed to the transformation of the national discourse on the media. Bolstering conservative claims of liberal media bias with statistics, quotations, and studies, the MRC has inculcated widespread suspicion and distrust of the national news media. According to Baker, the impact of the MRC’s work is evident in public opinion polls that cite a mounting cynicism and lack of faith in the mainstream press.³⁹¹ The MRC, with conservative talk show hosts and pundits as its mouthpiece, thus has helped construct a discursive frame through which many Americans view the media.

Though a divergence from those of previous media reformers, the actions of the MRC have been in-step with those of the larger conservative movement as it has

³⁸⁸ Ann Coulter, *Slander: Liberal Lies About the American Right* (New York: Three Rivers Press, 2002), x.

³⁸⁹ “Paperback Best Seller List,” *New York Times Book Review*, November 23, 2003, 28; and “Best Sellers,” *New York Times Book Review*, October 22, 2002, 26.

³⁹⁰ “Paperback Best Seller List,” *New York Times Book Review*, April 20, 2003, 28; and “Best Sellers,” *New York Times Book Review*, May 5, 2002, 26.

³⁹¹ Baker conversation.

reinvented itself over the past thirty years as a populist movement. Unlike the media activists who came before it, the MRC has not filed petitions with the FCC nor has it tried to negotiate with broadcasting stations. Instead, it has adopted the role of a national town crier, continually announcing the evils of the liberal media and their consequence for the health of democracy in the nation. Furthermore, the MRC has intensified the assertion that the “elites” that matter are the ones who hold positions in the cultural—rather than political or economic—sphere, and has argued that the agenda of the elites in the media are hazardous to and stand at odds with that of the mainstream American public.

The narrative of victimization and new class discourse that underlines the MRC's position maintains the fiction that conservatives are a marginalized group in the United States. Drawing again on Mitchell's analysis of the culture wars, the work of the MRC manages to deny the existence of prejudice or oppression toward any group, save *conservatives*. Embedded in this discourse is both an erasure of structural and institutional prejudices still present in American society, and a recasting of claims of oppression as liberal flim-flam intended to further victimize conservatives.

The MRC's media reform efforts have taught Americans to see the media through the lens of contemporary conservatism. In the process, it has presented a common enemy to bind a disparate conservative movement and has perpetuated the construction of liberals as elites, conservatives the common sense people who see through them. The MRC thus has utilized its media reform work to continue the ascendance of conservative values and politics while paradoxically and effectively holding on to the mantle of victimization. Indeed, for the MRC, to win the battle would not mean to root out liberal bias in the media, but increasingly to popularize the discursive frame it has created to see the media. It is a battle that it seems to be winning.

Chapter 6: The Media Ownership Battles

Michael Powell, chairman of the Federal Communications Commission, almost received a pink slip in May 2003. Members of Codepink Women For Peace, an anti-war activist group, interrupted an FCC open meeting as they tried to hand Powell his pink slip, not a dismissal form but literally a piece of frilly pink lingerie. The group had used this tactic before with other public officials as a form of political theater intended to communicate the group's disapproval of the individual's job performance. In 2003, when they approached Powell with his pink slip, Codepink Women were outraged with Powell and the Republicans at the FCC for the new media ownership rules they had proposed.³⁹²

As part of the 1996 Telecommunications Act, Congress required the FCC to review its media ownership rules every two years. In its review, the commission was to ascertain whether existing rules still served a public interest goal and to amend or repeal rules that had outlived their utility. Late in 2002, for the third time since the passage of the act, the FCC began to review its six remaining ownership rules to determine whether to retain, loosen, or eliminate any of them. Under the leadership of Powell, the FCC seemed poised to relax many of the media ownership rules that had undergirded media policy for decades. It was this threat that led to a widespread public campaign to stem the tide of further deregulation. This campaign to retain existing media ownership rules intensified in the summer of 2003, when the FCC officially announced its decision to loosen ownership requirements. The battle over media ownership temporarily culminated in June 2004, when a US district court put a stay on some of the new rules

³⁹² Frank Ahrens, "Unlikely Alliances Forged in Fight Over Media Rules," *The Washington Post*, May 20, 2003, sec. E01.

and ordered the FCC to go back to the drawing board and explore the consequences of media ownership deregulation more thoroughly.

The coalition that formed to fight for retention of the media ownership rules brought together unlikely political allies. Joining committed media activists—like Consumer’s Union, Consumer Federation of America, United Church of Christ, and the Media Access Project—were public interest groups from disparate places on the political spectrum; some of these organizations included the National Rifle Association, NOW, NAACP, Move.org, the Family Research Council, the Parents Television Council, Children Now, Codepink, and the Future of Music Coalition. Though these communities often imagined the stakes in the battle over media ownership in starkly different ways, they shared a belief that further deregulation would have severe consequences for a functioning democracy and a healthy polity.

The activists had two major objections to the FCC’s actions. The first centered on the new rules themselves and their impact on further media consolidation. The activists feared that with the acquisition of increasingly more media properties would come a decrease in diversity of viewpoints on the air, an escalation of commercialism and indecency, and a homogeneity of programming that would sideline the creative community working outside of major entertainment companies. In addition, the activists protested the process by which the FCC arrived at its new rules. They accused the FCC of lack of transparency both in how it arrived at its decision and in the parameters of the new rules under consideration. They also objected to the limited opportunities provided by the commission to hear public input and to comment on both the new rules themselves and the process by which the commission devised them.

As this chapter will argue, the media ownership battles were not just fights over the shape of the media landscape. They also were opportunities for individuals and

organizations across the political spectrum to take aim at the logic of deregulation that had defined American broadcasting policy for over twenty years. Rooted in a marketplace approach to regulation, broadcasting policy had conflated the public with the consumer and assumed that the best way to serve its interest was to enable media companies to act unfettered by restrictive regulations. The activists replaced the consumerist rhetoric with a civic discourse and reasserted the central role that communications play not just in the market but in the maintenance of a democratic society. The attacks on the rules recast the public-as-consumer with a public-as-citizen model, and in the process reclaimed a definition of the public interest that had been shunted aside by the push for deregulation. The criticisms of the FCC's process served this purpose, as well as they posited a construction of the public rooted in a model of participatory democracy. The marketplace of ideas, in this schema, was not well-supported by a free market ideology that allowed for high concentrations of ownership.

Furthermore, the media ownership battles enfolded the anxieties over deregulation into an anti-corporation movement that has been ascendant since the 1990s. If the criticisms of the activists focused on the FCC's orientation toward the public, they also underlined the catastrophic consequences of escalating corporate power. They positioned the interest of corporations as fundamentally opposed to a public interest, and suggested that the further consolidation of the media industries in-and-of itself would wreak havoc on the political and imaginative life of the nation. The media ownership battles registered disapproval not only of the federal regulators, but the very system of corporate conglomerations that its policies had enabled.

Finally, the media ownership activists also linked media consolidation to a debased and homogenous form of cultural expression. Often paying particular attention to the impact of programming on children, this discourse tied the concentration of

ownership to the denigrated quality of media texts circulating on television. In large part, this discourse resuscitated a mass culture critique of television that long had posited that a mass, commercial medium would yield sub-par cultural texts. Indeed, though activists did not refer to television under deregulation as a “vast wasteland,” the substance of their critiques echoed this view that had looked with suspicion at the impact that commercialism and ad revenues had on the quality of programming. The activists in 2003 used a similar frame, yet displaced the emphasis on the funding structure with one on consolidated ownership. This discourse naturalized a system of aesthetic hierarchy and made allegations based on a highly-maintained, yet unexamined, ideal of quality.

THE 1996 TELECOMMUNICATIONS ACT, DEREGULATION, AND REDEFINING COMMUNICATIONS

Communications networks, according to Patricia Aufderheide, “are not any-old widget businesses, but the vehicles and instruments of our shared culture.”³⁹³ It is this sentiment that at times has guided broadcasting policy, and the court decisions upholding those policies, in which the FCC has imposed requirements or limitations on the broadcasting industry to secure that it fulfills its public interest obligations. To a large degree, the move to deregulation in broadcasting begun in the 1980s reshaped this definition of communications. Advocates of deregulation defined the public of the public interest clause as consumers and asserted that the best way to serve this public would be to allow communications industries to act unfettered by government regulation. In other words, they maintained to help the vehicles of our shared culture to flourish was, in fact, to treat them as any-old widget businesses.

³⁹³ Patricia Aufderheide, *Communications Policy and the Public Interest* (New York: The Guilford Press, 1999), 2.

The 1996 Telecommunications Act marked an apotheosis of this move toward deregulation and the attending redefinition of the public that accompanied it. It also provided the statutory requirement for the FCC to revisit its media ownership rules every two years to determine if they still served public interest objectives. The battles over media ownership in 2003, in many ways, began with the 1996 Act. The act prompted the FCC to reconsider its ownership rules and, according to Powell, the spirit of the act seemed to suggest that in the absence of compelling public interest goals, the rules should be amended or repealed. Furthermore, the fight over the rules became an opportunity for citizens to defy and criticize the deregulatory model codified by the Telecommunications Act itself.

FCC Chairman Mark Fowler, along with Daniel L. Brenner, articulated this shift to a deregulation model in their 1981 article “A Marketplace Approach to Broadcast Regulation.” Defining broadcasters not “as fiduciaries of the public,” but rather as “marketplace competitors,” Fowler and Brenner advocated a model of regulation that enabled and facilitated competition and allowed the marketplace, rather than regulators, to determine broadcasters’ programming and business choices. According to Fowler and Brenner, “the public’s interest, then, defines the public interest.”³⁹⁴ Conflating members of the public with consumers of broadcasting, and drawing on the proliferation of new technologies that expanded communications options, Fowler and Brenner not only presented a new paradigm for broadcasting regulation, but provided the language and discursive frame that regulators and legislators would use in their work dismantling a regulatory model that had imposed public interest restrictions and expectations on broadcasters for over thirty years.

³⁹⁴ Mark S. Fowler and Daniel L. Brenner, “A Marketplace Approach to Broadcast Regulation,” *Texas Law Review* 60 (1981), 210.

Indeed, when President Clinton signed the Telecommunications Act into law on February 8, 1996, he codified a system of deregulation that had defined communications policy since Fowler took over the FCC chairmanship in 1981. The commission routinely abolished policies that had been created to spur competition, diversity or localism—the three pillars that had come to define the public interest requirements of broadcasters. Asserting that these goals could best be accomplished by a deregulated industry, the FCC rescinded, for example, the Fairness Doctrine, the Anti-Trafficking Rule, and the Prime Time Access Rule.³⁹⁵ It simplified the license renewal process and expanded the length of a license term. Significantly for this discussion, in 1995 it completely repealed the Financial Interest and Syndication (Fin-Syn) rule, which had prevented networks from having a financial interest in any programming save news and restricted their syndication rights to international syndication. The repeal of Fin-Syn enabled networks to own their entertainment programming, and resulted in many independent production companies becoming enfolded within the corporate frameworks of national networks. The commission also relaxed many of the ownership restrictions it had placed on how many stations a single entity could possess.

The 1996 act reconceptualized how legislators, regulators, and the communications industry should view the media landscape. As Aufderheide writes, the FCC had “repeatedly and unambiguously identified the public interest as being a competitive or a procompetitive environment. This policy, which courts repeatedly have found in violation of congressional intent, is now, finally, congressional intent [with the

³⁹⁵ The Anti-Trafficking Rule had required broadcast station owners to retain ownership of a station for three years before they could sell them. The rule intended to ensure that broadcasters develop ties to the local communities in which they broadcast. The Prime Time Access Rule had stated that, of the four hours of prime time, only three could be filled with network programming. The fourth hour, in addition, could not be used for off-network reruns. The FCC’s hope was that this hour instead would be used for local programming. In actuality, the fourth hour often was filled with syndicated game shows, off-network reruns sold to non-network affiliates. See Derek Kompare, *Rerun Nation: How Repeats Invented American Television* (New York: Routledge, 2005), 88-93.

passage of the 1996 Telecommunications Act].”³⁹⁶ The act underscored how the era of digital communications necessitates a new approach to media technologies, one that not only accepts but also embraces the porousness between media that new distribution streams enable. Previously, communications policy to a large degree had treated the different sectors of the communications industry—radio, television, cable, telephony, internet—as separate spokes of the communications wheel. The 1996 act encouraged a media landscape that would allow media companies to cross over into different sectors to foment competition and innovation across media platforms. Telephone providers could become cable providers, cable companies could own broadcast networks, cable or phone companies could provide internet services. The Telecommunications Act, in other words, allowed for increased horizontal integration within a single communications sector, but also vertical integration across multiple sectors.

The first part of the act focused on telephone services. Up until 1984, AT&T dominated virtually every aspect of telephony: long distance service, equipment manufacture, local exchange services. Beginning in 1974, the Justice Department launched an antitrust suit against AT&T; furthermore, AT&T was involved with over seventy lawsuits at this time, most of which centered on challenging AT&T’s anticompetitive behaviors. The Modified Final Judgment (MFJ), enacted in 1984, required AT&T to divest itself of its local exchange interests.³⁹⁷ Instead of one centralized service provider, seven new regional bell operating companies (RBOCs) would provide local exchange services to consumers. AT&T primarily would function as a long-distance carrier. In exchange, the RBOCs would be banned from providing long

³⁹⁶ Aufderheide, 74.

³⁹⁷ L. Andrew Tollin, Kathryn A. Zachem, Kenneth E. Satten, “Overview of Telecommunications Regulation in the United States,” in *Beyond the Telecommunications Act: A Domestic and International Perspective for Business*, eds. Leon T. Kramer, et al (Rockville: Government Institutes, Inc., 1998), 2-3.

distance or information services within their regions and could not manufacture customer equipment.³⁹⁸ The 1996 Act abolished the MFJ. It opened up all interstate and intrastate telephone markets, though provided a series of detailed instructions to regulators as to how and when local exchanges could enter long distance markets and vice versa. The act also required incumbent phone carriers to provide access to any of their facilities to new entrants in the telephony markets at regulated rates. In short, the act opened the telephony sectors to competition, ending what had been a decades-long model of regulated monopolies. However, in its intent to open up markets and spur competition, the act additionally created new layers of regulatory requirements and rules. It managed to lift restrictions while simultaneously creating more regulatory hurdles.³⁹⁹

If the act removed barriers to spur competition in the telephony sector, with regard to broadcasting and cable it removed barriers to enable further consolidation. Positing that the interests of over-the-air broadcasters were threatened by the diversifying and expanding media landscape, the act in essence shored up the interests of broadcast networks. It did this in three ways: it enabled further ownership concentration, provided greater license security to broadcasters, and issued to them more spectrum use. Key provisions included:

- Radio: the act removed all national ownership caps and relaxed local ownership restrictions. The local ownership caps fluctuated based on the size of a local market.

³⁹⁸ Jim Chen, "The Legal Process and Political Economy of Telecommunications Reform," *Columbia Law Review* 97 (1997): 852-853.

³⁹⁹ Robert W. Crandall, *Competition and Chaos: U.S. Telecommunications Since the 1996 Telecom Act* (DC: The Brookings Institution, 2005), 9-10.

- Broadcast Television: a single owner could possess stations that reach up to thirty-five percent of the national audience.
- Cross-Ownership: in the largest fifty markets, a single owner could have more than one television station per market or one radio and one television station in one market. The act also allowed a single entity to own more than one network; however, one company cannot own more than one of the big four broadcast networks (ABC, CBS, NBC, FOX). The act permitted cross-ownership of cable systems and television networks.
- License renewal: the length of broadcasting license was extended from five to eight years. It prevented any entity from challenging an incumbent license unless the FCC had already found the licensee to be unfit for renewal. It banned the FCC from finding licensees ineligible for renewal on public trusteeship grounds, with one exception: excessive violence in programming.
- Spectrum use: the act provided additional spectrum use for free to broadcasters, who were expected to use the additional spectrum to start the transition from analog to digital television.
- Cable: the act relaxed the rate regulation for cable that had been tightened in a 1992 act. It allowed phone companies to provide cable services and creates incentives for cable companies to enter into local phone service markets. It also

maintained the provision that requires cable systems to carry local broadcast signals and to make available the programming they own to competitors.⁴⁰⁰

Title V of the act, however, introduced a provision that strikes as somewhat schizophrenic given the turn toward deregulation: it heaped regulations on broadcasters to curtail the hazards of broadcast indecency. This section required the broadcasting industry to establish a ratings system for its programming within one year, after which the FCC would take up the task. It also established that television sets must contain V-chips to receive signals labeling shows with ratings and that enable parents to block programming they deem inappropriate for their children. It further made it a crime to use a telecommunications device to make obscene phone calls to a minor and required cable operators to block programming which a subscriber did not choose.⁴⁰¹

Labeled “watershed legislation,”⁴⁰² the 1996 act not only transformed the media landscape but also codified an approach to telecommunications regulation that defined the industry and its users unmistakably within a market-based frame. In removing or revising regulations, Congress worked to eliminate barriers to entry within the telecommunications sectors to encourage increased competition and innovation in the emerging digital environment. As numerous scholars have noted, the act itself was a hodge-podge of rules, some realizing a new paradigm of telecommunications regulation, others maintaining entrenched ideas about the operations of media within society. Furthermore, according to scholars the act troubled the division of labor among regulatory bodies--states and localities, public utility commissions, Congress, the FCC –

⁴⁰⁰ Aufderheide, 67-72.

⁴⁰¹ Aufderheide, 75-76.

⁴⁰² Chen, 837.

and led to a robust period of litigious battles in the years to follow over who had primacy in enforcing and interpreting regulatory policies.⁴⁰³

The media ownership battles are one such instance. While the fight over the proposed FCC rules centered on the material contours of the culture industries, it also represented a struggle over congressional intent in the 1996 act and the vision of the media landscape embedded within it. Additionally, the media ownership fight called into question the conception of a media universe so revolutionized by the proliferation of digital technologies that it rendered old ideas of the public interest obsolete. In sum, the media ownership battles were not just an effort to stem the consolidation of the media, but also a challenge to the hegemonic logic of deregulation that had disenfranchised citizens by asserting, most strenuously in the 1996 act, that they were no more than consumers.

THE PATH TO PROMETHEUS: THE BEGINNINGS OF THE OWNERSHIP BATTLES

The adoption of new media ownership rules was, from the outset, a contested enterprise. While Republican commissioners were both intent on revising the rules and doing so in a quick manner, the Democrats continually argued for a slower process that would solicit public input and carefully weigh the public interest consequences of future actions.⁴⁰⁴ Furthermore, members of Congress were at odds with the majority of the FCC on the desirability of diminished ownership rules and responded immediately when the

⁴⁰³ For discussions of the legal uncertainties and turf battles resulting from the act, see Monroe E. Price and John F. Duffy, "Technological Change and Doctrinal Persistence: Telecommunications Reform in Congress and the Court," *Columbia Law Review* 97 (1997): 976-1015; Paul Teske and Andrey Kuljiev, "Federalism, Preemption, and Implementation of the 1996 Telecommunications Act," *Publius* 20 (2000) 53-67; and Chen, 835-873.

⁴⁰⁴ At the time, the FCC had three Republican commissioners (Powell, Kevin Martin, Kathleen Abernathy) and two Democrats (Michael Copps, Jonathan Adelstein). The president appoints FCC commissioners, who account to Congress. The political party in power (the president's party) can only have a majority of one on the commission.

FCC passed its new rules in June 2003. The 2003 media ownership battles not only yielded wide-reaching citizen activism, but exposed fissures and disagreements amongst governmental actors over the future of broadcasting policy and the role of the state in serving its citizens.

In September 2002, the FCC began its third biennial review of its media ownership rules and issued a Notice of Proposed Rulemaking to solicit public comment. Announced to be “the most comprehensive look at media ownership regulation ever undertaken by the FCC,” this process aimed to map an analytically consistent approach to media ownership, one rooted in empirical evidence that detailed the relationship between ownership and public interest goals of diversity, competition, and localism.⁴⁰⁵ Ostensibly on a fact-finding mission, the FCC commissioned twelve studies on the media marketplace, labeled the Media Ownership Working Group Studies, designed to provide the commission empirical evidence of the performance of stations. In soliciting public comment, the FCC requested that parties filing should include empirical evidence to accompany their claims. The FCC’s emphasis on empirical evidence resulted from two embarrassing court decisions. In *Fox Television Stations Inc. v. FCC* and *Sinclair Broadcasting Group, Inc. v. FCC*, two U.S. courts faulted the FCC for not providing adequate evidence of to support how the national television ownership cap promoted diversity (*Fox*) or how the local television station ownership cap enabled diverse voices (*Sinclair*). This time out, the FCC committed itself to mapping a comprehensive approach to media ownership, one that would derive from and gain legitimacy from hard data.⁴⁰⁶

⁴⁰⁵ “FCC Initiates Third Biennial Review of Broadcast Ownership Rules: Cites Goal of Updating Rules to Reflect Modern Marketplace,” FCC Press Release, September 12, 2002, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-226188A1.pdf (accessed December 28, 2006).

⁴⁰⁶ Ibid.

Six rules were under consideration:

- The ban that prohibits cross-ownership of a newspaper and broadcast stations in the same market.
- The rule that places limits on how many radio stations a single entity could own in a single market. In the largest markets, entities could own up to 8 stations; in the smallest, five. This rule also limits the number of stations of AM or FM stations an entity can own in a single market. For example, in the largest markets, an entity can own up to 8 stations, but only 5 can be in either the AM or FM band.
- The ban that forbids mergers amongst the top four national broadcast networks.
- The national ownership limit on television stations which, following the 1996 act, allowed a single entity to own stations that reach thirty-five percent of the national audience.
- The rule that limits how many television stations a single entity could own in a single market. It allows at most two television stations in a single market, provided that one of the stations is not ranked in the top four in the market.
- The rule that limits how many television stations and radio stations a single entity can own in a single market. Depending on the size of the market, an entity could own up to two television stations and a fixed number of radio stations.⁴⁰⁷

The commission released the findings of its studies on October 1, 2002 to solicit public comment. The results consistently reinforced the premises of deregulation and turned the

⁴⁰⁷ "FCC Initiates."

relationship between media ownership restrictions and public interest goals--diversity, competition, and localism--on its head: they not only denied that ownership restrictions promoted these goals, but they suggested that they would better be met by the removal of ownership restrictions. The studies underscored the proliferation of media outlets and consumer use of multiple outlets for news and public affairs information. Furthermore, a study indicated that the growth of media outlets threatened the viability of over-the-air broadcasting, a threat compounded by the consequences of media ownership restrictions. One study found that local stations owned by national networks, as opposed to stations affiliated with but not owned by a network, produced more local news and public affairs programming. Another study essentially skewered Fin-Syn and illustrated that the rule impinged upon, rather than promoted, diversity in programming. An examination of diversity on radio stations post-1996 found that while diversity decreased marginally across local markets, it increased markedly within each local market. The studies, in large part, reinforced the conceit that the marketplace model of deregulation served traditional public interest goals of diversity, localism, and competition. Indeed, the studies pointed to continued restrictions as an impediment to realize these goals in an expanding media universe.⁴⁰⁸

Controversies over how the FCC solicited public comment on the studies foreshadowed the parameters of the ownership battles to come. Members of the public and Democratic Commissioner Michael Copps criticized the FCC for the size of the window allowed for public comment (sixty days) and for initially withholding the actual data the studies drew upon to reach their findings. In a press release noting his

⁴⁰⁸ "FCC Releases Twelve Studies on Current Media Marketplace: Research Represents Critical First Step in FCC's Fact Finding Mission," FCC Press Release, October 1, 2002, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-226838A1.pdf (accessed December 28, 2006).

disapproval, Copps registered what would become his hallmark complaints against the process: that the FCC had failed to date to consider fully the implications of revising the ownership rules, especially the impact on minority and public service programming; that the FCC was betraying its requirement to allow the public to participate in the process; and that the speed through which the FCC was acting was irresponsible, unnecessary, and dangerous. He stated, “We are under no mandate to resolve these issues by a certain date. We must place making the right decision ahead of making a hasty decision.” Furthermore, Copps clarified that at “stake in this proceeding are our core values of localism, diversity, competition, and maintaining the multiplicity of voices and choices that undergird our marketplace of ideas and that sustain American democracy.”⁴⁰⁹

Indeed, the public outrage over the media ownership rules centered both on the substance of changes to come and on the way that the FCC conducted the process. Opponents insisted that the FCC not only asked the wrong questions and relied on faulty evidence, but also sidelined the public and public interest groups from playing a meaningful role in the decision-making process. At stake, then, were two distinct yet interrelated hazards to democracy: the danger posed by the consequences of increased media consolidation and the threat embodied by the fundamentally undemocratic way that the FCC conducted its procedures. The FCC itself divided over both of these concerns, Copps and Republican Chairman Michael Powell coming to embody the opposing sides of the battle.

One of the central areas of contestation was over the necessity for public hearings on media ownership. The FCC held a public hearing in Richmond, VA on February 27,

⁴⁰⁹ “Commissioner Michael J. Copps Expresses ‘Alarm’ and ‘Disappointment’ With FCC’s Media Concentration Decision,” FCC Press Release, November 5, 2002, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-2989A2.pdf (accessed December 28, 2006).

2003. In Powell's view this hearing, coupled with the ability of members of the public to file comments online, satisfied the commission's responsibility to field public comments. Copps, in contrast, pushed for multiple public hearings across the country, hearings that ultimately he and fellow Democratic commissioner Jonathan Adelstein convened without Powell or the other Republican commissioners (Kevin Martin and Kathleen Abernathy) present. Powell's and Copps's opposing perspectives on the role of public hearings underscore their competing ideas about process and about what constitutes meaningful evidence and testimony. Powell stated, "The Commission will continue to look for opportunities to ensure that we are soliciting input from the public both generally, and in association with the empirical studies which I believe provide the most important foundation for our decision in a manner that the courts will sustain."⁴¹⁰ For Powell, in particular, the ability of citizens to post comments online erased the need for public hearings. Buoyed by the 13,000 comments received by February 2003, Powell remarked: "It is gratifying to witness first hand the unparalleled opportunities technology now provides the American public to participate in the democratic process. This record clearly demonstrates that in the digital age, you don't need a 19th century whistle stop tour to hear from America."⁴¹¹ For Powell, then, the significance of expert opinion, expressed in the 12 studies, coupled with the ability of citizens to weigh in online erased the need for public hearings. The premises behind this view—the faith in the data secured by the studies, the concomitant sacralization of empirical evidence, and the belief in the

⁴¹⁰ "FCC Chairman Michael Powell Announces Public Hearing in Richmond, VA. on Media Ownership," FCC Press Release, December 4, 2002, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-229209A1.pdf (accessed December 28, 2006).

⁴¹¹ "Statement of FCC Chairman Michael Powell on Broadcast Ownership Proceeding," FCC Press Release, February 5, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-230976A1.pdf (accessed December 28, 2006).

widespread access to and use of digital technologies—would be some of the areas for which members of the media ownership coalition would take the chairman to task.

Copps, who achieved heroic status along with Adelstein for members of the media ownership battle, fought for and scheduled additional hearings. He maintained that “we need to have other hearings in diverse venues to flesh out the record needed for this single most important decision the Commission will make next year. That means listening not just to one community, but giving mid-western and west coast Americans, for example, access to the FCC.”⁴¹² Press releases announcing additional hearings in cities like Seattle, Wash. and Durham, N.C., stated that “the purpose of the hearing is to give citizens outside of Washington, DC, an opportunity to voice their opinions about media concentration.”⁴¹³ Asserting that the media ownership review process had implications for American democratic principles, Copps and Adelstein essentially disregarded Powell’s faith in the weight of the studies and his concern for a speedy resolution to the congressional requirement to review rules. Striking a populist pose, the commissioners underscored how the refusal to conduct far-reaching public hearings was an abdication of the commission’s obligations as guardians of the public interest. They scheduled and held thirteen additional public hearings, which the other commissioners did not attend.⁴¹⁴

⁴¹² “Commissioner Michael J. Copps Welcomes First Hearing on Media Concentration,” FCC Press Release, December 4, 2002, available at the Federal Communications Commission website http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-229233A1.pdf (accessed December 28, 2006).

⁴¹³ “FCC Commissioners Announce Public Hearings on Media Concentration: Field Hearing Set for Friday, March 7 in Seattle, WA,” FCC Press Release, March 4, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-231698A1.pdf (accessed December 28, 2006); and “FCC Commissioner Copps Announces Public Hearing on Media Concentration in Durham, NC, on March 31,” FCC Press Release, March 26, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-232533A1.pdf (accessed December 28, 2006).

⁴¹⁴ Robert W. McChesney, “Media Policy Goes to Main Street: The Uprising of 2003,” *The Communication Review* 7 (2004): 236.

Adelstein and Copps, furthermore, tempered the relevance of the twelve ownership studies by insisting that the best way to understand the role of media in people's lives is to talk to as many people as possible. In other words, at stake in the disagreement was not only the process of rule-making, but the definition of what constitutes meaningful evidence and who should ascertain the contours of the media landscape. It is a debate that dates back to the genesis of American broadcasting policy, in which regulators had to weigh the professional with the popular, the voices of publics versus the assessment of experts—who often represent, or are sympathetic to, the culture industries themselves.

In addition to agitating for and holding public hearings, Copps and Adelstein requested that the FCC postpone its vote on its ownership rules, scheduled for June 2, 2003. In particular, they requested that the commission make public the actual new rules on the table for a vote to solicit feedback not just on the issue of media ownership broadly, but on the proposals under review specifically.⁴¹⁵ Powell denied the request to postpone the vote, maintaining that the diversity, localism, and competition are “ill-served by letting stand a body of rules that are unenforceable” and that Congress had set the pace of their decision-making process by statute (the 1996 act's biennial review requirement).⁴¹⁶ Powell neglected to comment on the other part of Copps and Adelstein's request, to publicize the rules under review and officially solicit comment. Some of the new proposals made their way into the popular press, and public interest groups filed

⁴¹⁵ “FCC Commissioners Adelstein and Copps Call For Public Airing of Media Concentration Proposals: Seek Additional Time to Examine Public Interest Proposals,” FCC Press Release, May 13, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-234376A1.pdf (accessed December 29, 2006).

⁴¹⁶ “FCC Chairman Responds to Request for Delay on Media Ownership Proceeding,” FCC Press Release, May 15, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-234583A1.pdf (accessed December 28, 2006).

hundreds of thousands of comments with the FCC accordingly. The overwhelming majority of the comments were in opposition to relaxing the ownership rules.

On June 2, the FCC announced its new rules. One of the six rules under review went unchanged: the ban prohibiting ownership of two of the big four networks. The FCC basically retained the local ownership limits for radio, yet tweaked how it would calculate the size of a market. To determine the size of a radio market under the 1996 Act, the FCC should only count the number of commercial stations in the area. In its 2003 revision, the FCC included noncommercial stations in its head count, in essence raising the number of large and medium size markets and enabling the purchase of additional stations by a single owner. The commission relaxed the other four rules, but did not completely repeal any of them. It raised the national ownership cap for television stations from a thirty-five percent reach to a forty-five percent reach. It also revised the local television ownership rule to allow entities to own up to three stations in markets with eighteen or more stations, in smaller markets (minimum of five stations) entities could own two stations. Finally, it loosened cross-media ownership limits to allow in certain markets, where there are four to eight television stations, one of the following combinations: a daily newspaper, one television station, and half of the radio station limit for a market of its size; a newspaper and up to the limit of radio stations for a market of its size; two television stations and up to the radio station limit for a market of its size. In the largest markets, those with nine or more television stations, the FCC eliminated all cross-ownership bans.⁴¹⁷ Finally, the FCC rescinded its Failing Station Solicitation Rule. This rule had intended to increase the number of stations owned by minorities or women.

⁴¹⁷ “FCC Sets Limits on Media Concentration: Unprecedented Public Record Results in Enforceable and Balanced Broadcast Ownership Rules,” FCC Press Release, June 2, 2003, available at the Federal Communications Commission website, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-235047A1.pdf (accessed December 30, 2006).

When a station owner of a failed, failing, or unbuilt station wanted to sell, under this rule the seller was required to solicit widely for purchasers. Ideally, the rule would prohibit “good-old boy” deals and provide opportunities to women and minorities to get a foothold in local media markets.

The rationale for the new rules, from the vantage point of the Republicans on the commission, was threefold: (1) Congress and the courts had required the FCC to amend or repeal rules no longer justifiable from a public interest perspective; gauging that diversity, localism, and competition were not furthered by the current rules, the FCC was under statutory obligation to revise them; (2) the proliferation of media outlets had negated the need for strict ownership requirements because it had engendered a widely diverse array of media options for consumers; and (3) free over-the-air broadcasters were in peril because of this competition from new outlets; to ensure consumers have access to free broadcasting, therefore, the FCC relaxed its ownership rules to bolster the health of the allegedly flailing broadcasting industry. In an op-ed to the *New York Times* entitled “New Rules, Old Rhetoric,” Powell touched on the latter justifications. He wrote, “If the problem is lack of diversity among the media, then the fact is that the United States has the most diverse media marketplace in the world. There are more media outlets, owners, variety and diversity now than at any point in our nation’s history.”⁴¹⁸ He also pointed to the rise of cable’s popularity, at the expense of quality programming on broadcast networks, as a perilous trend that the new rules would ameliorate. He stated, “the current debate has ignored a disturbing trend the new rules will do much to abate: the movement of high-quality content from free over-the-air broadcast television to cable and satellite.” Powell continued, “Quality prime-time viewing, long the strong suit of free television, has begun to erode, as demonstrated by HBO’s 109 Emmy nominations this year. Indeed,

⁴¹⁸ Michael K. Powell, “New Rules, Old Rhetoric,” *The New York Times*, July 28, 2003, sec. A17.

for the first time ever, cable surpassed free TV in prime-time viewing share last year. If they can reach more of the market, broadcasters will be able to better compete with cable and satellite.”⁴¹⁹

To bolster the rationale that media markets offered a diverse array of outlets, the FCC drew on both the twelve commissioned studies and on testimony by economists and consultants, many of whom represented the interests of the broadcast networks. Furthermore, in what would become one of the most-maligned and contentious justifications for revising the rules, the FCC mapped a Diversity Index model to ascertain the level of diversity within a specific community. The petitioners in the *Prometheus* case would skewer the Diversity Index and poke holes in the assumptions that underlined it. The assertion that, in our contemporary media environment, over-the-air broadcasting was in peril also was supported by expert testimony. For example, Victor Miller of Bear, Stearns testified in Richmond that unless regulators diminish current pressures on broadcasters, “the viability of ‘free over-the-air television’ could be threatened.”⁴²⁰ To loosen ownership rules, in this schema, was to help save a dying industry, one fundamentally more democratic than cable that required subscription fees. As Frank Ahrens reported in *The Washington Post*, “Media corporations are lobbying for ownership rules to be lifted, saying that money-losing networks could benefit from buying additional television stations, for instance.”⁴²¹ For example, Jay Ireland, president of NBC Television Stations, told the commission at the hearing in Richmond, “Relaxation of the commission’s ownership rules will not diminish diversity. What will diminish diversity is the loss of media outlets because they can no longer compete in

⁴¹⁹ Ibid., sec. A17.

⁴²⁰ Victor B. Miller IV, “Opening Statement – Federal Communications Commission Hearing Addressing Ownership Rules, February 27, 2003 – Greater Richmond Convention Center – Richmond Virginia,” 5.

⁴²¹ Frank Ahrens, “Member of FCC Pushes Ownership Debate; Commissioner Plans Additional Hearings on Laws Governing Media Consolidation,” *The Washington Post*, February 6, 2003, sec. E04.

today's fragmented marketplace.”⁴²² This too would come under attack by opponents to the new rules. As Barry Diller commented, “Anybody who thinks they're in trouble hasn't read the profit statements of these companies. The only way you can lose money in broadcasting is if someone steals it from you.”⁴²³

However, from the perspective of the Republican commissioners, the new rules preserved public interest goals of diversity, localism, and competition while taking into consideration transformations in the media landscape and consumer use of myriad media outlets. They also satisfied the statutory requirement to review ownership rules and the mandates by the courts to derive commission decisions with internally consistent analysis supported by empirical evidence. From the perspective of the Democratic commissioners, the rules—alongside the process by which they came into being—threatened the functioning of a healthy democracy and ignored important indices of diversity and localism.

Members of Congress, who had expressed fear and skepticism about diminishing ownership restrictions, immediately denounced the FCC's new rules. Senator Ernest Hollings (D-S.C.) commented that the FCC “with this order had turned the people's public interest commission into an instrument of corporate greed.” Senator Olympia Snowe (R-Maine) agreed that the decision “most assuredly is a victory for free enterprise but it is not a victory for free speech.” Senator Byron Dorgan (D-N.D.) labeled the rules “wrong-headed and destructive” and anticipated they would lead to “an orgy of mergers and acquisitions.” Senator Joseph Lieberman (D-Conn.) characterized the decision a “case of democratic malpractice.”⁴²⁴ While the Republican commissioners asserted that

⁴²² Quoted in Bob Rayner and McGregor McCance, “Media Issue Gets Full Venting; Ownership Rules Praised, Assailed,” *Richmond Times Dispatch*, February 28, 2003, sec. A1.

⁴²³ Quoted in Robert W. McChesney, “Media Policy,” 233.

⁴²⁴ “The Arguments (FCC Ownership Decision),” *Television Week*, June 9, 2003, 36.

increased media concentration could best serve the public interest, these comments clearly positioned media consolidation as antithetical to the interests of an imagined public. In line with the discourse of many activists, senate opposition to the new rules posited an unholy alliance between the FCC and the industries it was to regulate and asserted that the victims of this partnership was the very public the commission was formed to protect.

The Congressional Black, Hispanic, and Asian Pacific American Caucuses opposed the decision on the grounds that increased media consolidation would shut out minorities from ownership.⁴²⁵ In the weeks following the FCC's announcement, Senators Olympia Snowe and Byron Dorgan sponsored a bill to reinstate the cross-ownership ban, Senators Ted Stevens (R-Alaska) and Hollings one to reinstate the thirty-five percent cap on national television station ownership and to reinstate the ban on newspaper-broadcast cross-ownership.⁴²⁶ The Senate Commerce Committee, under the leadership of Senator John McCain (R-Ariz.), voted to overturn the changes in media ownership rules.⁴²⁷ In September, the Senate voted by a margin of fifty-five to forty for a "resolution of disapproval" leveled against the FCC that vacated the new ownership rules. President George W. Bush had threatened to veto any legislation that overturned the new rules, a chance that this bipartisan aggregate of senators was willing to face.⁴²⁸ At this time, a US Circuit Court of Appeals in Philadelphia issued a stay on the media ownership rules until

⁴²⁵ Frank Ahrens, "FCC Eases Media Ownership Rules; Party-Line Vote Clears Way for More Consolidation," *The Washington Post*, June 3, 2003, sec. A01.

⁴²⁶ "Snowe, Dorgan Seek to Reinstate Media Cross-Ownership Ban," States News Service, June 28, 2003; Marilyn Geewax, "Senate Panel Votes to Reverse FCC Rules on Media Ownership," Cox News Service, June 19, 2003.

⁴²⁷ Tom Shales, "Senate Panel Cuts Big Media Down to Size," *The Washington Post*, June 20, 2003, sec. C01.

⁴²⁸ Frank Ahrens, "Senate Votes to Block FCC Media Rules; Republicans Join Opposition to Easing of Ownership Limits; House Test Ahead," *The Washington Post*, September 17, 2003, sec. A01; Chris Baker, "Senate Votes to Repeal New Media-Ownership Rules," *The Washington Times*, September 17, 2003.

it had a chance to hear evidence and rule on a case before it, *Prometheus Radio Project v. FCC*, in which a coalition of public interest groups challenged the FCC's rules on procedural grounds.⁴²⁹

In November 2003, however, members of Congress tempered their fury and fearlessness of a presidential veto. Republican congressional leaders met with the White House and brokered a compromise on the issue of media ownership, focusing in particular on the new forty-five percent national television ownership cap. What resulted was a rider to an omnibus spending bill, approved by both houses of Congress, which set the ownership cap at thirty-nine percent reach to a national audience. As a result, NBC and ABC would be permitted to purchase additional stations; Fox and Viacom, who already had bought additional stations in anticipation of the FCC rulings, would be able to keep its stations but not to acquire anymore. The compromise elicited not only outrage, but allegations of misconduct. Hollings complained that the White House and Republican leaders "went into a closet, met with themselves, and announced a 'compromise' on how many TV stations one company could own."⁴³⁰ Mark Cooper of the Consumer Federation of America, one of the leading activist groups in opposition to the new rules, commented "the way these guys are doing legislation is outrageous."⁴³¹ When the court of appeals heard the *Prometheus* case, therefore, the national television ownership rule was off the table for review as the compromise cap set by Congress late in 2003 became law.

Though members of Congress continually had expressed concern over the relaxation of ownership rules, undoubtedly the public outrage over the FCC's new rules

⁴²⁹ Marilyn Geewax, "Senate Votes to Undo FCC Media Ownership Rules, Cox News Service, September 16, 2003.

⁴³⁰ Marilyn Geewax, "Opponents Denounce Backroom Deal on Media Ownership," Cox News Service, November 25, 2003

⁴³¹ Ibid.

played a role in their immediately swift response. Indeed, in the months both leading up to and following the vote, a wide-reaching coalition of public interest groups, alongside individual members of the public, registered their disapproval with the FCC over continued media deregulation. This protest took many forms: letters and emails to the commission, official petitions for reconsideration, guerilla street theater, and ultimately a court case leveled against the FCC. As the next section will illustrate, activists imagined severe political and social consequences would result from increased consolidation. For some, further deregulation would choke American democracy and take the teeth out of meaningful political discourse. For others, with Clear Channel's hegemony in radio haunting the discourse, further media consolidation would trample quality and creativity and open the door to increased commercialization and indecency on the airwaves.

MEDIA CONSOLIDATION AND THE THREAT TO DEMOCRACY

In May 2003, Brent Bozell testified in front of the FCC to register the disapproval of his organization, the Parents Television Council, to the loosening ownership rules. Representatives from over twenty-five groups testified that day, including the Family Research Council, the National Organization for Women, and Common Cause. That the hearing brought together a motley assortment of organizations was not lost on Bozell. He stated, "when all of us are united on an issue, then one of two things has happened." He continued, "Either the earth has spun off its axis and we have all lost our minds, or there is universal support for a concept."⁴³² Indeed, the atypical political alliances formed around the media ownership issue garnered substantial attention in both the mainstream and trade presses. Ahrens in *The Washington Post* characterized the coalition as the

⁴³² Jeff Johnson, "Groups Warn FCC About Media Ownership Rules Changes," CNSNews.com, May 28, 2003, <http://www.cnsnews.com/Politics/archive/200305/POL20030528b.html> (accessed January 3, 2007).

fruits of “unexpected political alliances” and “ideologically disparate groups [who] share a common concern.”⁴³³ Susan Crabtree, in *Variety*, referred to opponents to the new rules as “a chorus of diverse critics covering the political spectrum.”⁴³⁴

The FCC received over one million emails and letters from members of the public, an almost absolute majority (over ninety-nine percent) were opposed to relaxing media ownership rules.⁴³⁵ Around 300,000 members of the National Rifle Association alone wrote to the FCC; close to 150,000 members of moveon.org filed comments. Many citizens and representatives of public interest groups additionally testified in front of the FCC and Congress, and filed more formal petitions with the commission addressing why diminished ownership rules would harm the public interest. The apotheosis of the activism at this stage was the June 2004 ruling in the *Prometheus* case, in which the court ordered the FCC to re-conduct its investigation of public interest impact of its ownership rules.

In some ways, both opponents and advocates of the new rules used a similar vocabulary to talk about what constitutes the public interest and to identify the core issues at play in the current regulatory climate. As Christine Becker notes in her analysis of the rhetoric surrounding the reversal of Fin-Syn, both sides of the issue employed the concepts of diversity and competition, yet defined each in incompatible ways.⁴³⁶ For advocates of deregulation, diversity referred to the multiplicity of media outlets and the myriad choices in media consumers had at their disposal. For example, in a comment to

⁴³³ Frank Ahrens, “Unlikely Alliances Forged in Fight Over Media Rules,” *The Washington Post*, May 20, 2003, sec. E01.

⁴³⁴ Susan Crabtree, “FCC Chief Ducks Diller on Dereg,” *Variety*, May 20, 2003, 1.

⁴³⁵ The exact number of emails and letters is not clear. Copps in 2007 claimed that the FCC received over 3 million emails and letters. McChesney writes that as of May, the commission had received over 750,000. One million is a conservative estimate.

⁴³⁶ Christine Becker, “Finsyn Begin Again?,” paper for MIT3 conference, May 2003, <http://web.mit.edu/cms/mit3/papers/becker.pdf> (accessed on March 15, 2007).

the FCC, Clear Channel stated that consumers “in the modern media marketplace face an embarrassment of riches in terms of the choices available to them for their news and entertainment.”⁴³⁷ Fox, Viacom, NBC and Telemundo concurred: “American consumers today have unprecedented access to a diverse array of media choices that would have been utterly unfathomable when most of the Commission’s ownership rules were first put into place.”⁴³⁸ Significantly, diversity and competition here are laced in the language of consumerism and refer to the options consumers have in a marketplace of multiple media outlets. It is this definition that animated the changes of the 1996 Telecommunication Act and is a logic that undergirded the Commission’s decision to relax its ownership rule.

Opponents to deregulation defined diversity in two ways, diversity of ownership and diversity of opinion, and posited that the two were indelibly intertwined. The Consumer Federation of America, in comments to the FCC, summed up this position: “Independent ownership of outlets is critical because outlets that are commonly owned are less likely to provide diverse points of view. Owners have a tendency to impose their preferences and biases on the media they control.”⁴³⁹ This rhetoric, in which the needs of the public are positioned as access to multiple viewpoints and perspectives, was ubiquitous in the avalanche of comments and testimony the FCC received. Asserting that the marketplace of ideas could not be served by the unregulated mechanisms of the media marketplace, activists and concerned citizens tied increased media consolidation to the dissipation of democracy and the unchecked power of the state enabled by the cooperation of the expanding media conglomerates themselves.

In other words, as in other media reform activism cases, at issue here was not just the parameters of conglomerate control over the media, but fears over the

⁴³⁷ “What the FCC Has Heard So Far,” *The Washington Post*, May 25, 2003, sec. B03.

⁴³⁸ *Ibid.*, B03.

⁴³⁹ *Ibid.*, B03.

disenfranchisement of the American populace. This return to the language of citizenship speaks to a deep concern over the ascendance of a deregulated corporate environment, the conflation of consumerism and citizenship common at this political moment, and the anxieties over its impact on the machinations of democracy and politics. Indeed, the media ownership debates enfolded media reform activism within a broader anti-corporation movement that had gained currency since the 1990s. For example, Naomi Klein's *No Logo*, Kalle Lasn's *Culture Jam* and *Adbusters* magazine, Eric Schlosser's *Fast Food Nation*, along with the films of Michael Moore, Barbara Ehrenreich's exposes on minimum wage and white collar workers, and Thomas Frank's entire *oeuvre* of writings pointed to a growing skepticism and antagonism to a perceived hegemony of corporate power.⁴⁴⁰ Critics often vilified the expansion of corporations by focusing on the material consequences, in particular reprehensible labor practices, and the symbolic ramifications—the increasingly commodified cultural environment. The media reform activism over the 2003 ownership rules amplified the political impact, in particular the threat to a functioning democracy resulting from the expansion of corporate power. Though scholars and critics have explored the impact of an increasingly consolidated media landscape dating back at least to Ben Bagdikian's *The Media Monopoly* (1983), the 2003 ownership fights marked a moment when this issue captured the attention of a

⁴⁴⁰ Mike O'Connor's 2003 presentation at the American Studies Association Conference (Hartford, CT) identified this trend. Mike O'Connor, "Marjorie Kelly and the Anti-Corporate Left," Perspectives on the Corporation Panel, October 2003, Hartford, American Studies Association conference. See Naomi Klein, *No Logo: Taking Aim at the Brand Bullies* (New York: Picador Press, 2000); Eric Schlosser, *Fast Food Nation: The Dark Side of the All American Meal* (Boston: Houghton Mifflin, 2001); Kalle Lasn, *Culture Jam: How to Reverse America's Suicidal Consumer Binge – and Why We Must* (New York: Quill, 1999); Thomas Frank, *The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism* (Chicago: University of Chicago Press, 1997); Thomas Frank, *One Market Under God: Extreme Capitalism, Market Populism, and the End of Economic Democracy* (New York: Doubleday, 2000); Barbara Ehrenreich, *Nickel and Dimed: On (Not) Getting By in America* (New York: Metropolitan Books, 2001); and Barbara Ehrenreich, *Bait and Switch: The (Futile) Pursuit of the American Dream* (New York: Metropolitan Books, 2005).

wide array of social reformers of all political stripes who saw great peril in the expansion of media corporations.⁴⁴¹

A recurring trope of the activist discourse was appeals to the fragility of the First Amendment in a concentrated media environment. This line of reasoning, in which an increasingly concentrated media oligopoly will harm democracy irrevocably, draws on what Robert Britt Horwitz has identified as the two predominant interpretations of the First Amendment: literal and narrowly interventionist. According to Horwitz, the courts have interpreted the free speech clause primarily in two, ostensibly contradictory ways. The first, the literal interpretation, restricts the government from impinging on the speech rights of individuals or the press. This definition speaks to what the government *cannot* do. The second, however, interprets the First Amendment as charging the government to facilitate the conditions by which a diversity of views and opinions can be expressed; its focus is on what the state *should* do. If the first interpretation protects the rights of speakers, the second protects the rights of listeners—of a public who should have access to a variety of viewpoints. As Horwitz illustrates, the history of broadcasting policy has often pitted these two definitions against each other.⁴⁴² For example, broadcasters argued in the 1969 *Red Lion* case that the Fairness Doctrine infringed upon the First Amendment rights of broadcasters and drew on the literal definition of the clause. The Supreme Court, siding with the FCC, asserted that the second definition, one that prioritizes a vibrant marketplace of ideas, trumped the broadcasters' claims to individual free speech rights.

Both interpretations of the First Amendment were in play in the attacks of activists on the new media ownership rules. For example, in a letter to the membership,

⁴⁴¹ Ben H. Bagdikian, *The Media Monopoly* (Boston: Beacon Press, 1983).

⁴⁴² Robert Britt Horwitz, "The First Amendment Meets Some New Technologies: Broadcasting, Common Carriers, and Free Speech in the 1990s," *Theory and Society* 20 (1991): 21-72.

NRA executive vice president Wayne La Pierre wrote that the current rules (before the June 2 revisions) prevented “giant media conglomerates from gaining monopoly over what your fellow Americans can read in their newspapers, see on T.V. and hear on the radio. And they have prevented gun-hating media giants like AOL Time Warner, Viacom/CBS and Disney/ABC from silencing your NRA when we’ve needed to take our message directly to the American people in critical legislative and political battles.”⁴⁴³

If the new rules were to pass, according to La Pierre, “a half-dozen anti-gun zealots in the top-echelons of the media industry will have the unchallenged power to keep us off the air and shut down your NRA’s efforts to communicate wit the American people.” At the end of the letter, after asking members to send postcards to the FCC commissioners, La Pierre asked, “Please don’t let a handful of media executives win this battle and gain monopoly control over what the American people read, see, hear and think.”⁴⁴⁴ La Pierre’s remarks suggested that further media consolidation threatens the free speech rights of the NRA and of the public more broadly, the former to speak to fellow citizens, the latter to hear diverse opinions on issues like gun control. He furthermore drew a direct connection between the increased control of media conglomerates and the decrease in democratic protections to American citizens.

Interestingly, the anti-war activists who participated in the fight against the media ownership rules used a near-identical argument. At the Richmond hearing in February 2003, Dan Preston and Jenny Crumwiller of the Anti-War Video Fund told the commissioners that the organization had created a short advertisement that registered the group’s opposition to the Iraq war that they had hoped to air in the Washington area on

⁴⁴³ Wayne La Pierre, “Urgent NRA Bulletin: Media Monopoly Alert,” letter to members, May 2003. Posted on the Center for Digital Democracy website, <http://www.democraticmedia.org/issues/mediaownership/nraLetter.html> (accessed March 16, 2007). Emphasis in original.

⁴⁴⁴ Ibid.

the night of Bush's State of the Union Address when he was to make his case for war. The ad was a montage of Americans making statements about the war. Comcast, the only cable provider in the DC area, at the last minute refused to air the ad. So too did the major networks, save the CBS affiliate. Crumwiller stated, "Whether by government or by corporation, centralized control of the media is un-American. When this happened, I felt like I was in Iraq."⁴⁴⁵ She continued, "In terms of control over content, in terms of democracy, one corporation is one choice." Preston elaborated, "You and the audience don't know what you're not seeing. You don't hear the voices that have been silenced. If fewer and fewer people own the microphones, the diversity of voices in our democracy will be strangled."⁴⁴⁶ Much like the NRA, the anti-war activists argued that media consolidation not only limits who has access to speak, but what citizens are allowed to hear.

In a similar vein, the chair of the Green Party in Tucson, Ariz., Ann Samuelson, wrote to Powell, Copps, and Adelstein to articulate the impact of further deregulation on third parties. She wrote, "If these regulations are relaxed to encourage mass media conglomeration we will have even less of a voice and our positions will be even less represented. I know of cases where even paid advertisements have been rejected by mainstream media simply because they do not express the mainstream position on issues."⁴⁴⁷ Echoing the concerns of the anti-war activists, Samuelson posited that consolidation of the media yields consolidation of political discourse and asserted that the larger the corporation, the smaller the possibility for divergent viewpoints to reach the American polity. David Vearle Palmer, of Vancouver, Wash., echoed Samuelson's

⁴⁴⁵ Comments at FCC Public Hearing on Media Ownership Rules, Richmond Va., February 27, 2003.

⁴⁴⁶ Ibid.

⁴⁴⁷ Letter from Ann Samuelson to Michael Powell, cc Michael Copps and Jonathan Adelstein, received May 30, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed March 17, 2007).

concerns: “I am appalled that you would even consider expanding the percentages of media ownership. Most of the major media channels are already controlled by the political left. Fox News is the only major dissenting voice. This ruling makes it easy for those who control the media to now wipe out any fairness in news reporting.”⁴⁴⁸ As the juxtaposition of these quotations reveal, members of the political left and right, in addition to the organizations who represent widely different poles of the political spectrum, both feared that concentrated media ownership would stifle the plurality of voices in American political discourse.

Many of the letters sent to the commissioners argued that media consolidation would trample on the First Amendment protections of the Constitution. Two-hundred seventy six members of the Center for Digital Democracy sent the FCC commissioners a letter that argued that the “rules were adopted to ensure that the public would receive a diverse range of viewpoints from the media, and not simply the opinions of a handful of media conglomerates.”⁴⁴⁹ Christine Gerl from Phoenix wrote to Powell: “I am one of the millions of public voices who are tired of the monopolistic manipulation of your powers. TV, the airwaves, publishing are avenues of free speech, and you are letting them be controlled by 5 conglomerates. I don’t think that the Framers of the Bill of Rights had this in mind when they wrote the First Amendment.”⁴⁵⁰ Michael Lewis from Eugene, Ore. stated in a letter to all the commissioners, “The importance of vibrant free speech and free press, as a fundamental obligation of your organization, transcends the financial

⁴⁴⁸ “What the FCC,” B03.

⁴⁴⁹ Members of the Center for Digital Democracy sent emails to the commission which had a standard first paragraph; the second paragraph of the email was unique to each sender. See for example, the email sent by Jackie Pardon to all the commissioners dated November 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed March 15, 2007).

⁴⁵⁰ Letter from Christine Gerl to Michael Powell, dated May 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed on March 17, 2007).

grabbing by Clear Channel, Viacom, and other large corporations. You should be setting policies to protect the public, not to protect these large and financially oriented institutions.” Tim and Debbie Richards from Overland Park, Kans., in a letter to Abernathy claimed, “Indirectly, but very effectively, this can limit free speech and put the ability to manipulate public opinion in the hands of a few people. Please do not ease the restrictions on media ownership. Local diversity must be maintained to support a free nation.”⁴⁵¹ Erma Sebek, from Wilbur, Nebr., summed up the interventionist interpretation of the First Amendment so common in the correspondence with the FCC: “The American people deserve to hear more than one viewpoint on important issues. For the sake of our democracy and our freedom I urge you to continue the broadcast ownership protections that for decades have helped to ensure a healthy political debate in our country.”⁴⁵²

These comments not only underscored the link between free speech and media consolidation, but also a definition of the public interest itself. What emerged from many of the comments to the FCC was the position that the interests of the public are antithetical to the interests of media corporations and that the FCC, in its approach to media ownership, has functioned as a handmaiden to the corruption of American political discourse by shoring up the power of media corporations. Many of the individuals writing to the commission resuscitated the rhetoric of 1960s and 1970s era activism, one that asserted public ownership of the airwaves and demanded public service of both media companies and the commission itself. They in essence drew a line in the sand,

⁴⁵¹ Letter from Michael A. Lewis to FCC Commissioners, dated May 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed on March 17, 2007).

⁴⁵² Letter from Erma Sebek to Kathleen Abernathy, dated May 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed on March 17, 2007).

with the FCC and media conglomerates treasonously holding hands on one side, the harmed American public who is the rightful owner of the airwaves on the other. In the process, they implicitly refuted the logic of deregulation that had defined the interests of the public in primarily in consumer-based language, and reasserted the civic obligations of media companies and the public guardianship role of the FCC. The opponents to the rules, in other words, reclaimed their identities as citizens vis-à-vis the media and rejected the logic that conflated their interests with that of the media conglomerates themselves.

Letters to the FCC by members of the public underscored this point. A letter sent by many individuals, including Carolyn Ostrander of Camarillo, CA and Suzanne Beers of Laytonville, Calif., articulated this position: “Eliminating these last protections of the public trust would constitute a complete abandonment of the FCC’s mission to ensure that our airwaves, which are owned by all Americans, are used in a manner which ensures the diverse range of voices and opinions needed in a healthy democracy. Loss of these protections would constitute a huge and unacceptable giveaway of public resources and political power to a few large and powerful media companies.”⁴⁵³ Toni Ciardullo, of Seattle, Wash., agreed in a letter to Powell, “The airwaves belong to the American people and you have abrogated your duty to the people and instead have made the airwaves the property of the very rich. You have no right to bring your ideology to the fore. Do you really want to turn your back on the right of the American people to be informed, to have

⁴⁵³ Letter from Suzanne Beers to commissioners, received May 30, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007); and letter to commissioners from Carolyn Ostrander, no date, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007).

the right to debate and consider changes to their property. Shame on you.”⁴⁵⁴ Lyndie Kehanek asserted in her letter to the Commission, “The media belong to the people. Do not sell us out.”⁴⁵⁵

Embedded in these comments was a construction of an American public—the people—that are at the base of the American democratic experiment. Clearly, here the people are in opposition to the powerful, in particular media conglomerates and the state, though beneath is a contradictory vision of the American people. On the one hand, the public retains tremendous power as the rightful owners of the airwaves to whom media companies owe public service. On the other, the public is that which is acted upon by the commission and the media conglomerates, robbed of its power to participate knowledgably in a democratic public sphere. Furthermore, this construction posited a unified American public, unfairly disempowered by the contemporary state of the media, and hence erased the divisions, distinctions, and power differentials that have continued to characterize the American populace. The people or public of this discourse, at its base, was an imagined public, a national community hungry for vibrant political discourse and victimized by the invasive role of corporations in their lives. In other words, the public, as often is the case for media reform activists, is perhaps another name for the interests and positions of the activists themselves.

If much of the discourse replaced the public-as-consumer with the public-as-citizen, it further suggested that the expanded power of corporations in the United States would eviscerate American democracy entirely. Many of the letters to the Commission

⁴⁵⁴ Letter from Toni Ciardullo to Michael Powell, dated May 20, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed on March 17, 2007).

⁴⁵⁵ Letter from Lyndie Kehanek to commission, dated May 13, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed on March 17, 2007).

connected the escalating hegemony of a few media corporations to the potential rise of a fascist or totalitarian state. Gene Verlon Moser wrote to Adelstein, “HAVE YOU REALIZED THAT HITLER GOT IN POWER BY THE MONOPOLY OF THE BROADCAST IND.? DO YOU REALISE THE POWER THAT CASTRO HAD FROM THE INFLUENCE OF THE BROADCAST IND.?”⁴⁵⁶ Conjuring up fears of monopolies not only in broadcasting, but in transportation systems as well, Moser concluded, “A FREE SOCIETY NEEDS COMP. DIVERSITY AND EQUAL OPPORTUNITY FOR ALL INVOLVED. LET’S KEEP OUR COUNTRY FREE FROM HITLERS AND CASTRO AND SUCH.”⁴⁵⁷ Kim Butler, in an email to the commissioners, evoked similar concerns: “Your efforts to do what the Communist party couldn’t do in 50 years are an ominous sign for the future of the country. The control of 1000s of media outlets by a handful of people that are homogeneous in their thoughts ensures that the last vestiges of FREE thought will reside outside our borders.”⁴⁵⁸ Art Nugent, from Visalia, Calif., agreed, “I just pray this madness is reversed before we all walk in lockstep thanks to the select group of broadcasters who will control the public by controlling the public airwaves.”⁴⁵⁹ Here, political domination was indistinguishable from corporate monopoly. If the free market rhetoric that underscored deregulation suggested that democracy and consumer choice were one in the same, the logic here argued that the concentrated powers of corporations would have frightening consequences for the political health of

⁴⁵⁶ Email from Gene Verlon Moser to Jonathan Adelstein, dated May 18, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007). Emphasis in original.

⁴⁵⁷ Ibid.

⁴⁵⁸ Email from Kim Butler to Michael Powell, Kathleen Abernathy, Jonathan Adelstein, dated May 22, 2003, FCC website, docket 02-277, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 19, 2007).

⁴⁵⁹ Email from Art Nugent, dated May 21, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007).

the nation. Furthermore, this rhetoric echoed cold war anxieties over state-run media. The intensity of the anxiety here pointed to a fear that consolidated media, functioning as the mouthpiece for the state, would yield a totalitarian control over the hearts and minds of the public.

While the rules themselves posed a threat to a democracy, so too did the process by which the FCC conducted its review and revision of media ownership restrictions. As I will discuss below, the petitioners in the *Prometheus* case primarily focused on what they argued was misconduct on the part of the FCC. However, members of the public also pointed to the secretive and speedy process by which the commission, under the leadership of Powell, carried out its review. One citizen, in a postcard to the FCC, wrote:

Your current process is corrupt and contrary to a transparent, public-serving democracy – secret proposals, restricted public notice and testimony, luxury junkets (AKA bribery and ex parte contact), lack of open debate and balanced input. Michael Powell and many (but not all) of your members are corrupt and in the pockets of the media. He and the commission have forgotten that the FCC is there for the public interest, not media consolidators interested in excess profit and providing biased and limited access to information!!!⁴⁶⁰

Ann Samuelson, the Green Party Chair from Arizona, agreed: “By closing the hearing process, you are closing off the democratic process as well.”⁴⁶¹ She continued, “At least allow us to see the regulation changes before they are formally voted on, and put off the change in regulations another 60 or 90 days so more of the American public can hear of these proposed changes and weigh in with their opinion. After all, we are by law the owners of the public airwaves.”⁴⁶² A petition signed by forty people in Pennsylvania stated, “A recent Pew Research Council study showed that 72% of Americans had never

⁴⁶⁰ Postcard to Media Bureau, name difficult to read, no date, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 19, 2007).

⁴⁶¹ Letter from Ann Samuelson to Powell, cc Copps and Adelstein, received 30 May 2003, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts.

⁴⁶² Ibid.

even heard about possible changes in the rules. We call upon you to hold well-publicized additional public hearings and to postpone the vote scheduled on June 2, 2003, until there has been adequate debate among lawmakers and the public on the far-reaching consequences of media consolidation.”⁴⁶³ Brittmarie Janson Perez summed up this position in a letter to Powell: “your rush to approve lasting changes which may negatively affect the American people, your determination to do so behind closed doors, refusing to allow the issues at hand to be discussed broadly and openly, is not only suspicious, it is anti-democratic.”⁴⁶⁴

The opaqueness of the process—the initial unwillingness to release the data of the studies, the refusal to publicize the content of the rules before the FCC voted on them, the hostility to holding public hearings—had received a healthy amount of press, in no small part due to the agitations of Copps and Adelstein and members of Congress. Furthermore, the patina of impropriety intensified as the Center for Public Integrity noted that, during the media ownership review process, the FCC held seventy closed-door sessions with interests representing the broadcasting industry, four with public interest advocates.⁴⁶⁵ However, the clamoring in these letters for a more open process, one that would have engaged a more wholesale swath of the American citizenry, pointed again to how members of the public dressed their protest here in the language of citizenship. Indeed, from this vantage point, the FCC’s new rules not only struck a blow against a vibrant political discourse, but against participatory democracy as well.

⁴⁶³ Petition sent to Michael Powell, copies to Jonathan Adelstein, Michael Copps, Thomas Daschle, Ernest Hollings, Wayne Allard, Arlen Specter, Richard Durbin, Byron Dorgan, Olympia Snowe, Susan Collins, John McCain from citizens in Pennsylvania, dated May 12, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007).

⁴⁶⁴ Letter from Brittmarie Janson Perez to Powell, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed on March 17, 2007).

⁴⁶⁵ Les Brown, “Did Big Media Buy the FCC?,” *Television Business International*, June-July 2003, 4.

The perils of further media consolidation on democracy fired the fears and imaginations of people from all points on the political spectrum, ranging from members of organized groups and movements to concerned individual citizens. Their opposition, as this section has illustrated, not only registered their desire to prevent or rescind the new rules, but also to undo the assumptions regarding the relationship between the media, their regulators, and the public that had been ascendant since the 1980s. Furthermore, this protest—which characterized expanding corporate power as a threat to cherished values of free speech and a healthy political discourse—enfolded media reform within a wider anti-corporate movement that increasingly had gained public momentum since the 1990s. At stake in this battle, from this vantage point, was therefore not just the structure of the entertainment industry, but the state of American democracy, the role of the corporation in American life, and the paradigm of deregulation that had defined broadcasting regulation for over twenty years.

COPING WITH CLEAR CHANNEL: MEDIA OWNERSHIP AND THE HAZARDS TO CREATIVE PROGRAMMING

David Croteau, a professor at Virginia Commonwealth University, testified in front of the FCC at its Richmond hearing in February 2003. In large part, the purpose of his testimony was to debunk that technological change, and the subsequent transformations in media outlets, had increased the diversity of what the media had to offer audiences. “New media *outlets*,” he argued, “often do NOT mean new media *content*.”⁴⁶⁶ He noted that, after the repeal of Fin-Syn, broadcast networks owned eighty percent of their prime-time programming, effectively shutting out independent producers. Furthermore, he continued, broadcast networks and cable providers controlled ninety

⁴⁶⁶ David Croteau, “Federal Communications Commission Broadcast Ownership En Banc testimony,” at FCC Public Hearing on Media Ownership, Richmond, Va., February 27, 2003, 2.

percent of the most popular cable networks and the most popular websites primarily were owned by the very same media companies that control other parts of the industry.⁴⁶⁷ To underscore how much worse the situation could get, Croteau pointed to the radio market in Richmond post-1996. After the deregulation of radio, Clear Channel purchased six stations in Richmond, according to Croteau, “resulting in a loss of competition and the loss of local content in favor of homogenized national programming.” He concluded, “the deregulation of radio ownership has been a disaster for Richmond and many other communities across the country. This experience should be a cautionary tale in considering any future rule changes.”⁴⁶⁸

Croteau’s testimony touched on many points that would recur in the battle over media ownership regulation. Of central concern to opponents was the impact further deregulation would have on the creative community and consequently on the quality of entertainment brought into our homes. Increased commercialization, formulaic plot lines, homogeneity in worldview, escalating indecency and violence, absence of local programming--these were some of the projections of what would dominate the airwaves should the media ownership rules dissipate. The example of Clear Channel and its impact on the radio industry haunted many people and its example, in Croteau’s language, hovered as a “cautionary tale” over many of the discussions on media ownership.

Much like the discourse over democracy and citizenship, this concern crossed political lines. Individuals and organizations from disparate points on the political spectrum often used a consistent discursive frame to argue against further media consolidation. In particular, they argued that media concentration hampered creativity,

⁴⁶⁷Ibid., 2.

⁴⁶⁸Ibid., 1.

heterogeneity, and quality. For many of the opponents, with Clear Channel as its most extreme example, this situation robbed audiences of the pleasures and exposure to a rich imaginative life. For others, the most deleterious impact of media concentration would be on children's programming and on the health of the nation's youth. But what underlined all these arguments was a denial of one of the central conceits of the Republican commissioners and the media industries themselves: that concentration would yield more diverse, better programming. In insisting on ownership restrictions, and in maintaining that consolidation hampers content, these activists revived and adapted mass culture critiques of broadcasting and the attending discourse of aesthetic hierarchies that have accompanied them.

One of the most vocal opponents of the new rules was *New York Times* columnist and former Nixon speech-writer William Safire. In a column in January 2003, Safire posed the following question: "Should we totally deregulate the public airwaves and permit the dwindling of major media down to a precious few? Should we reduce choices available to cantankerous individualists who do not want their information and entertainment limited by increasingly massive mass media?"⁴⁶⁹ Tackling the argument that the proliferation of outlets is evidence of a vibrant competitive marketplace, Safire countered that the top twenty Internet sites and cable channels were controlled by major media conglomerates like Disney, AOL Time Warner, and G.E. According to Safire, "the truth is that media mergers have narrowed the range of information and entertainment available to people of all ideologies."⁴⁷⁰ To illustrate his point, he advised his readers: "Take a listen to what's happened to local radio in one short wave of deregulation: the great cacophony of different sounds and voices is being amalgamated

⁴⁶⁹ William Safire, "On Media Giantism," *The New York Times*, January 20, 2003, sec. A19.

⁴⁷⁰ *Ibid.*, A19.

and homogenized.”⁴⁷¹ Safire reiterated this view in a column in May 2003: “We’ve already seen what happened when the F.C.C. allowed the monopolization of local radio: today three companies own half the stations in America, delivering a homogenized product that neglects local news coverage and dictates music sales.”⁴⁷²

The Future of Music Coalition (FMC), one of the most active groups opposing further deregulation, codified many of Safire’s concerns. Formed in 2000 to chart the impact of deregulation and to advocate for musicians, the FMC in 2003 fought against the ownership rules in three ways: it analyzed the comments made to the FCC by May 2003 and exposed results which found that the overwhelming majority were opposed to the rules; it filed a letter with over 800 signatures—including thirty high profile musicians—opposing new ownership rules;⁴⁷³ and it publicized its investigation of the impact on radio deregulation to illustrate the nefarious consequences of media consolidation on localism, ethnic diversity, and quality. Like Safire, the FMC interrogated claims of “diversity” and “competition” to show that, in a deregulated market, these qualities diminish. Characterizing radio programming post-1996 as “bland and formulaic,” executive director Jenny Toomey stated that the FMC “found 561 instances of format redundancy nationwide” which lead to “massive missed opportunities for variety.”⁴⁷⁴ She summed up that deregulation “has led to less competition, fewer

⁴⁷¹ Ibid., A19.

⁴⁷² William Safire, “The Great Media Gulp,” *The New York Times*, May 22, 2003, sec. A33.

⁴⁷³ “Citizens Urge FCC to Retain Current Media Ownership Rules: FCC Public Record Shows Overwhelming Opposition to Relaxing Ownership Caps,” Future of Music Coalition Press Release, May 14, 2003, available at the Future of Music Coalition website, <http://www.futureofmusic.org/news/PRFCCdocket.cfm> (accessed March 20, 2007). The musicians who signed the letter are: Jackson Browne, Jimmy Buffett, David Crosby, Neil Diamond, John Doe, Don Henley, Indigo Girls (Amy Ray and Emily Saliers), Billy Joel, Lenny Kaye, Toby Keith, Ian MacKaye, Ray Manzarek, Ellis L. Marsalis, Jr., Mya, Tim McGraw, Paul D. Miller, Sam Moore, Thurston Moore, Stevie Nicks, Joan Osborne, Van Dyke Parks, Pearl Jam, Sandy Pearlman, Tom Petty, Bonnie Raitt, Kevin Richardson, Patti Smith, Stephan Smith, Michael Stipe, Tom Waits, Jennifer Warnes, Saul Williams, and Nancy Wilson.

⁴⁷⁴ Jenny Toomey, “Empire of the Air,” *The Nation*, January 13/20 2003, 29.

viewpoints and less diversity in programming. Substantial ethnic, regional and economic populations are not provided the services to which they are entitled.”⁴⁷⁵ With the performance of Clear Channel as its touchstone, this discourse that linked media deregulation to the homogeneity in the media—in substance, performance, and viewpoint—united conservative Safire with liberal artists like Patti Smith and the Indigo Girls, unusual political allies with a shared concern that the quality of expressive culture would diminish with increased media consolidation.

In addition to the impact of the 1996 act, artists pointed to the broader edifice of deregulation and its effects on the quality of entertainment programming. Tom Fontana—representing Writers Guild of America East and the Caucus for Television Producers, Writers and Directors—testified before the Senate to the hazardous consequences of the repeal of Fin-Syn. He pointed to how large conglomerates, in the post Fin-Syn era, bought up many independent production companies. This union, of production companies and the media companies who own the means of distribution, for Fontana portended peril for the quality of television programming and betrayed the rich heritage of programming enabled by FCC protections. MTM, where Fontana began his career, had “nurtured several generations of TV’s best talent, including many minorities and women. But, as I said, MTM is no more.”⁴⁷⁶ Fontana also told stories about Norman Lear who, after his series *All in the Family* initially was rejected by ABC, “took his idea to CBS. Because ABC did not own or control Mr. Lear’s production company, he was free to take his show elsewhere and I think we are all richer for the freedom he enjoyed.” Similarly, a network had asked Marcy Carsey, producer of *The Cosby Show*, “to turn the

⁴⁷⁵ Ibid., 30.

⁴⁷⁶ Testimony of Tom Fontana to Senate Commerce Committee Hearing on Media Ownership, May 12 2003, available at the United States Senate website, http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=208914&Month=5&Year=2003 (accessed March 21, 2007).

middleclass Dr. Huxtable into a cigar smoking Las Vegas entertainer. Cosby and Carsey stuck by their guns and went to another network, NBC. They could do that because they were protected by the FCC rules.”⁴⁷⁷ Fontana summed up: “Television is democracy. It is our only national town hall. Television is where divergent points of view can be expressed, where conflicting opinions can be argued not just within one’s segment of ‘Meet the Press,’ but from program to program.”⁴⁷⁸

The impact of deregulation on non-news programming, and the “cautionary tale” of Clear Channel, also animated many of the letters sent to the FCC. Dan Heinzkill of Portland, Ore. told the commissioners and his federal representatives:

Radio station play-list diversity is already limited in the Oregon metropolis of 1.5 million people. There is more interesting radio in Eugene, Oregon and Seattle, Washington. The recording industry is suffering because it’s diverse range of artists cannot be heard on radio. People buy music when they can hear it for free on the public air waves. Every year, because of radio station consolidation, the possibility of me hearing new music diminishes.⁴⁷⁹

Zeljiko Ivanek of New York echoed many of these concerns in a letter to the FCC; he told, “When the Telecommunications Act of 1996 loosened rules on radio ownership, again we were assured only good could flow from this, and instead we’ve watched Clear Channel Communications grow into a virtual monopoly, with a serious erosion in choice and local content.”⁴⁸⁰ Angela M. Hibbard from Detroit also pointed to the deregulation of radio as cause for concern: “Several years ago, when you first loosened the rules and

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

⁴⁷⁹ Letter from Dan Heinzkill to Earl Blumenauer, Ron Wyden, Media Ownership Working Group, Gordon Smith, dated May 22, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed March 19, 2007).

⁴⁸⁰ Letter from Zeljiko Ivanek to the Federal Communications Commission, dated May 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gulfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.fts (accessed March 17, 2007).

media conglomerates began to gobble up multiple stations in a geographic area, we lost Detroit's only classical music station because it wasn't profitable."⁴⁸¹ She continued, "When profit governs the airwaves, the people lose variety in broadcasting."⁴⁸²

These arguments, which drew on the discourse of quality, echoed some of the most entrenched criticisms of broadcasting, both radio and television, dating back to its earliest years. Though the specific vocabulary of the "wasteland" is missing here, the sentiment pervades many of these arguments. In this line of reasoning, not only is a lack of choice and variety compromised by media consolidation, but also true artistic innovation and creativity. While in the past critics used this rhetoric to attack the commercial underpinnings of broadcasting, in this case they linked it to media consolidation and deregulation. The contemporary media environment—from radio behemoth Clear Channel to a post Fin-Syn televisual universe—yielded what often has constituted the worst sins of mass culture: formulaic programming, lack of creative innovation, and a fundamental conservatism in approach to narrative. Indeed, this argument mirrored the discourse of activists nearly 20 years prior who had petitioned Congress to create a public broadcasting system on the grounds that commercial broadcasting was incapable of producing the diverse and aesthetically innovative programming that a noncommercial system could yield. In essence, much of the critique of media consolidation applied this argument to a mediascape controlled by conglomerates

If the rhetoric of quality was tied to issues of aesthetics, it was also linked to concerns over children. Bozell and his Parents Television Council (PTC) was one of the

⁴⁸¹ Letter from Angela Hibbard to the Directors, dated May 23, 2003, available on the Federal Communications Commission website, docket 02-277, http://gullfoss2.fcc.gov/cgi-bin/websql/prod/ecfs/comsrch_v2.hts (accessed March 17, 2007).

⁴⁸² Ibid.

most vociferous critics against relaxing ownership rules primarily because of the impact it would have on the quality of children's programming. In testimony at the Richmond hearing, Bozell cited research that documents how four broadcast networks and two cable providers dominate television. To be sure, deregulation had bolstered the industry leaders but, Bozell asked, "what about the public which this Commission and the industry profess to serve?"⁴⁸³ Speaking on behalf of the 750,000 members of the PTC, Bozell characterized the public's sense of the performance of the media:

[T]hey are disgusted, revolted, fed up, horrified, I don't know how else to underscore this, by the raw sewage of the ultra violence, the graphic sex, the raunchy language that is flooding into their living rooms day and night through the television screen and poisoning the minds of an entire generation of youngsters whose parents' concerns are dismissed by an industry that admonishes them instead to stand guard over the TV sets, perhaps with a baseball bat to keep impressionable children away.⁴⁸⁴

He concluded by suggesting, "the public is demanding that television shape up and stop poisoning the culture."

To be sure, the fears of the impact of mass culture on children are as old as mass culture itself. The construction of children as an audience of innocents in need of special attention has held such cultural sway that in the midst of widespread deregulation, the FCC and Congress imposed additional regulations and restrictions on broadcasters to improve their programming for children. What is significant about Bozell's testimony, however, is the connection he drew between media consolidation and the encroachment of "raw sewage" in television programming. For Bozell, concentrated media ownership could rob local communities over their ability to articulate to the media that serve them the basic standards of decency they find responsible. In testimony before Congress, he

⁴⁸³ Testimony of Brent Bozell, at FCC Public Hearing on Media Ownership Rules, Richmond Va., February 27, 2003.

⁴⁸⁴ Ibid.

characterized the “megacorporations” who dominate broadcasting as entities who “could care less who they offend and now want even more control of the airwaves where they can offend even more.”⁴⁸⁵ If some defined the decrease in quality to diminished creative and diverse shows, for Bozell and the PTC it marked a decrease in the standards of decency and morality of the content available to children. For Bozell and the PTC, the indices of decency fall along the lines of sexuality and violence.

Children Now, a children’s advocacy organization, also put the needs of children in the center of debates over media consolidation. In its arguments against further media consolidation, Children Now positioned children as in need of especial protections and adapted the discourse of quality and diversity to considerations of programming specifically for children. In testimony to the FCC at a public hearing in San Francisco, representatives of Children Now made four cases for why children will suffer at the expense of expanded media concentration. Children Now argued that media consolidation would lead to less original programming for children, as children’s shows already were “repurposed” (shared between cable and broadcasting partners); it would stem innovation in children’s programming, as financial pressures would lead executives to replicate existing successful shows; it would decrease the local programming available to children; and it would amp up the amount of commercialism on television. In conclusion, “the history of children’s television demonstrates that commercial broadcasters will not voluntarily serve children’s needs. It is essential that the Commission retain the current ownership rules to promote the diversity, competition and localism to create a media environment worthy of our nation’s children.”⁴⁸⁶ In May

⁴⁸⁵ Testimony of Bozell.

⁴⁸⁶ Testimony of Children Now, San Francisco Public Hearing, April 26, 2003, available at the Children Now website, http://www.childrennow.org/assets/pdf/issues_media_fcctestimony-2003.pdf (accessed March 20, 2007).

2003, Children Now released a report that proved, based on a study of Los Angeles, that increased consolidation yielded less children's programming more broadly, and less diversity and innovation within the shows aired on stations.⁴⁸⁷

The argument of Children Now recalls those of other organizations and citizens concerned over the quality of programming in a deregulated mediascape, yet it is tinged with a moral urgency enabled by the centrality of children to it. Indeed, as this section has illustrated, the controversy over media ownership rules resuscitated entrenched critiques of mass culture, ones that linked corporate ownership and commercial financing to a debased and denigrated form of culture. If media consolidation posed a threat to American political discourse, it similarly jeopardized the imaginative life of the nation, from its children on upwards. The performance of Clear Channel, and the impact of the deregulation of radio and repeal of rules like Fin-Syn, intensified fears that further media consolidation would cement an entertainment wasteland, one governed by the logic of corporate spreadsheets rather than the tastes and yearnings of a heterogeneous, fundamentally local, American public.

PROMETHEUS RADIO PROJECT ET AL V. FEDERAL COMMUNICATIONS COMMISSION

Media reform campaigns often repeat one story, one illustrative anecdote, which sums up both the tone and substance of their complaints. For members of the National Organization for Women in the 1970s, the story centered on a WABC-TV newscast that snubbed female Olympic medalists, but instead aired a segment on a pancake-eating contest. For some of the activists involved in the 2003 media ownership battles, especially the petitioners in the *Prometheus* case, the anecdote focused on the Diversity

⁴⁸⁷ Patti Miller, "Big Media Win, Little Kids Lose," Children Now Press Release, June 2, 2003, available at the Children Now website, http://www.childrennow.org/newsroom/press_releases/big_media_win.html (accessed March 20, 2007).

Index (DI), a schematic the FCC had devised to calculate the diversity of outlets available to audiences within a single media market. The DI played a central role in the FCC's determination that certain of its media ownership rules were antiquated. Opponents to deregulation held up the DI as evidence of the incompetence and malfeasance embedded within the media ownership review process. They demonstrated the inanity of the DI through a well-circulated example. A broadcasting station run by Dutchess County Community College, according to the DI, had greater market reach than *The New York Times*. This anecdote both appeared in the mainstream press and in a petition for reconsideration filed by the Consumer Federation of America and Consumers Union under the heading "The Diversity Index Produces Absurd Results."⁴⁸⁸ And it made its way into the briefs filed in the *Prometheus Radio Project* case and into the judges' ruling in the case, which sided with the petitioners and sent three of the FCC's ownership rules back to the commission.⁴⁸⁹

The judges handed down the ruling in *Prometheus* in June 2004, delivering the first tangible victory to the bipartisan coalition and thousands of citizens who had registered their disapproval for relaxed ownership rules for well over a year. Josh Silver of Free Press, a media activist and lobbying group formed late in 2002, said of the decision: "This is a tremendous victory for the millions of citizens who have been writing, emailing and calling the FCC and Congress to protest the lax media ownership protections. The Court's decision affirms what citizens have been saying: Protecting our

⁴⁸⁸ Stephen Labaton, "Court is Urged to Change Media Ownership Rules," *New York Times*, February 12, 2004, sec. C14; Consumer Federation of America and Consumers Union, Petition for Reconsideration, 2. Filed with Federal Communications Commission, September 4, 2003, available at <http://www.consumerfed.org/pdfs/RECONPETITION.pdf> (accessed March 22, 2007).

⁴⁸⁹ Amended Brief for Citizen Petitioners and Intervenors, *Prometheus Radio Project et al v. Federal Communications Commission; United States of America*, in United States Court of Appeals for the Third District, 45. The brief is available at the Media Access Project's website, <http://www.mediaaccess.org/programs/diversity/CitizenPetBriefAmended.pdf> (accessed March 22, 2007).

democratic media system means stopping Big Media from getting even bigger.”⁴⁹⁰ Indeed, the ruling in *Prometheus* buoyed the momentum of a burgeoning media reform movement, who in the years to follow would tackle issues like net neutrality, low-power FM radio, and media ownership.

The court initially had issued a stay on the FCC’s new media ownership rules in September 2003 until it had had an opportunity to hear the case against them. In its decision in *Prometheus*, the court affirmed the FCC’s jurisdiction over media ownership regulations. It found, however, that the commission had not provided sufficient justification and evidence to legitimate its ownership rules on local television ownership, local radio ownership, or cross-ownership in media markets. The court continued the stay on these rules until the commission had further revisited, revised, or repealed them. In sum, the court held that the FCC’s rules were not inherently violations of the law; rather, the process and questionable reasoning behind them were.⁴⁹¹

The *Prometheus* case not only stayed further media deregulation, but also legitimated the allegations of misconduct leveled at the FCC. The petitioners—who included Prometheus Radio Project, Media Alliance, National Council of the Churches of Christ in the United States, Fairness and Accuracy in Reporting, Center for Digital Democracy, Consumers Union, and Consumer Federation of America—argued that the FCC’s actions violated the Administrative Procedures Act, disregarded the “public interest” clause at the center of broadcasting policy, and misinterpreted the section of the 1996 act that required the agency to review its ownership rules. However, as they wrote

⁴⁹⁰ “In Major Victory for Localism and Diversity, Federal Court Overturns FCC Decision on Media Ownership,” Freepress Press Release, June 24, 2004, available at the Freepress website, <http://www.freepress.net/press/release.php?id=22> (accessed March 22, 2007).

⁴⁹¹ *Prometheus Radio Project v. Federal Communications Commission; United States of America*, United States Court of Appeals Third District ruling, 15. The decision is available at the Media Access Project’s website, http://www.mediaaccess.org/prometheus_decision/#decision (accessed March 22, 2007).

in their reply brief for the case, at the bottom of this action was a check on the FCC itself. “This appeal is not about the exercise of agency expertise and judgment,” they wrote. Instead it is “about the abdication of administrative responsibility and the substitution of ideology and rhetoric for evidence and analysis.”⁴⁹² Ironically, it was Powell’s expressed hope that this review of the ownership rules would uphold scrutiny and ostensibly based his decisions on empirical evidence and analysis. As the *Prometheus* petitioners argued, and the court agreed, the FCC’s logic was inconsistent, mired in faulty reasoning, and ignored the realities of the media landscape. Furthermore, the process by which the FCC acted, according to the petitioners and the court, violated its obligations to the public.

Beneath the arguments in the *Prometheus* case was not only accusations of misconduct and incompetence, but a rejection of the logic of deregulation itself. One of the main rhetorical strategies employed in the petitioners’ briefs was to dismantle the relationship, at the core of the FCC’s reasoning, that a diversity of outlets yielded a diversity of viewpoints. At the center of this argument was an analysis of how people used the media rooted in real-world, rather than hypothetical, experiences.⁴⁹³ Furthermore, the petitioners repeatedly emphasized that the FCC sped through the process without giving the public time to comment. In large part, the *Prometheus* case was not just about repealing the ownership rules, but about redressing the workings of a regulatory agency who, according to this view, had abandoned the very public it was charged with protecting. Significantly, representatives from many of the larger media companies also filed suit against the FCC and charged that the rules were overly intrusive and failed to serve the public interest. In their logic, concentrated media companies were

⁴⁹² Reply Brief for Citizen Petitioners and Intervenors, filed in the case of *Prometheus Radio Project et al vs. Federal Communications Commission*, December 12, 2003, 1. The legal documents for this case are available at the website for the Media Access Project, who were the lead attorneys on *Prometheus*. <http://www.mediaaccess.org/CitizenPetitionerIntervenorReplyBrief.pdf> (accessed March 22, 2007).

⁴⁹³ Amended Brief, *Prometheus*, 38.

better able to furnish diversity, competition, and localism than smaller ones. Furthermore, they argued that the anti-trust wing of the Justice Department was sufficient to prevent anti-trust activity, rendering the FCC's ownership rules redundant.

The complaints over the Diversity Index get at the core of the petitioners' complaints. In spring 2003, the press reported on a "Diversity Index" that the FCC was to use as a substitute for numerical caps in its consideration of cross-ownership rules. The public did not get a chance to review or comment on the DI, and though Copps and Adelstein asked to delay the June vote until there had been a window for public comment, the chairman declined and the vote went ahead on schedule. Similarly, though the FCC had requested public comment on the twelve studies produced by the Media Ownership Working Group, it did not release the data on which the researchers based their studies until two days after the original comment window had closed. For the petitioners, these behaviors violated the Administrative Procedures Act, which required of regulatory agencies a notice and comments process.⁴⁹⁴

The DI was also fundamentally flawed, according to the petitioners. The FCC determined that the best way to gauge diversity was to assess how many local news outlets existed within a single market. It assumed equal market shares for every media outlet in a single market. The DI, in other words, was to be a guide to determine, based on the market share of a media company's current holdings, whether the acquisition of additional holdings would threaten the diversity of views in the market. However, the schematic often considered media outlets that produced no local news as a substantial voice within a community, oftentimes weighted more than actual news sources. For example, the DI assigned the same percentage to all radio stations, even though some stations did not produce any local news. It assigned a high percentage, twelve and one-

⁴⁹⁴ Amended Brief, *Prometheus*, 41-44.

half percent, to the Internet despite the fact that the Internet was not a significant source of local news and for many people just repurposed national news from major media companies. As the petitioners wrote in a brief, “the Commission waves its hands at the Internet and presumes abundance local news sources without foundation.”⁴⁹⁵ They continued, “In making its ‘local’ Internet findings, the FCC simply asserted there was local news on the Internet without pointing to anything to support that finding.”⁴⁹⁶ And while the DI weighted some media outlets too heavily, it neglected to include magazines and cable in its calculations of the diversity of a market. “The Order cannot rationally conclude,” they wrote, “that cable and magazines should have no weight for cross-ownership purposes while at the same time, and based on equally if not more compelling data, make the opposite determination for the Internet.”⁴⁹⁷

The DI modified the Herfindahl-Hirschman Index (HHI), a tool used by anti-trust enforcement agencies, like the Department of Justice, to analyze proposed mergers. This tack, which in some ways assumed that media industries were just like any other industries when it came to market share and monopoly considerations, exemplified Fowler’s marketplace approach to broadcasting. It is in line with testimony by an economist representing the networks that any ownership restrictions imposed by the FCC were in large part redundant because anti-trust mechanisms in the Justice Department would be sufficient. It is an approach that saw media companies as, in large part, in the widget business and shunted aside the view that communications occupies a unique role within society. When the petitioners attacked the DI, they both chipped away at its faulty

⁴⁹⁵ Reply Brief for Citizen Petitioners and Intervenors, *Prometheus Radio Project et al v. Federal Communications Commission and United States of America*, in United States Court of Appeals for the Third District, December 12, 2003, 17. The brief is available at the Media Access Project’s website, <http://www.mediaaccess.org/CitizenPetitionerIntervenorReplyBrief.pdf> (accessed March 22, 2007).

⁴⁹⁶ *Ibid.*, 18.

⁴⁹⁷ *Ibid.*, 42.

reasoning and at the misguided premise upon which it was based. They wrote that the FCC's "modifications to the HHI result in a meaningless formula that contradicts mainstream antitrust analysis and fails to reflect the quite different roles of communications regulation and antitrust."⁴⁹⁸

The petitioners also attacked logical inconsistencies in the FCC's reasoning, inconsistencies that across the board favored the interests of media conglomerates. For example, most of the new rules determined how many media outlets an entity could own based on how many exist within a single market; one can own more television stations, for instance, in larger markets. However, the way the FCC counted media outlets was inconsistent across the rules. In particular, the erratic application of the UHF discount elicited particular ire. When calculating the national reach of the stations owned by an entity which, according the 1996 act, could reach thirty-five percent, the FCC halved the reach of UHF stations; if a VHF station reached 100 percent of its audience, then a UHF reached fifty percent. The UHF discount enabled entities to increase the number of stations it owned if among them were UHF stations. However, the FCC did not apply the UHF discount to its calculation of media outlets for cross-ownership purposes. When determining how many voices existed in a media market, VHF and UHF stations were weighted identically.⁴⁹⁹

Another area of inconsistency attacked by the petitioners was the FCC's standard of when it would set aside its rules. According to the order that detailed the new rules, the FCC would consider mergers, which ordinarily would violate its rules, on a case-by-case basis. However, the order did not allow citizens or competitors to oppose mergers on a case-by-case basis.⁵⁰⁰ The FCC could anticipate how media corporations could

⁴⁹⁸ Amended Brief, *Prometheus*, 44.

⁴⁹⁹ *Ibid.*, 54.

⁵⁰⁰ Amended Brief, *Prometheus*, 21.

make a case for setting aside existing rules but could not imagine that citizens or smaller media companies could provide compelling arguments against increased consolidation. The petitioners in *Prometheus* thus concretized allegations of misconduct leveled at the FCC, and illustrated that the logical inconsistencies and irrationalities upon which the commission based its rules always led to the same conclusion: they enabled the expansion and increased consolidation of media conglomerates.

In the *Prometheus* ruling, the judges issued a stay on a number of the FCC's rules. In particular, it required the FCC to re-examine its cross-media limits and its limits on both local radio and television station ownership. The court also ordered the FCC to justify or change its *approach* to setting the limits, chastising the commission for the illogical Diversity Index. It also ruled that the FCC must reconsider or justify its repeal of the Failed Station Solicitation Rule. The suspect rules, according to the court, all reflected the same error: "an unjustified assumption that media outlets of the same type make an equal contribution to diversity and competition in local markets."⁵⁰¹

The court was especially critical of the Diversity Index. While it affirmed the FCC's decision to discount cable on the basis that cable is not a significant contributor to local news, it argued that the same logic should have pushed the commission to disregard the Internet, which instead it allotted a twelve and one-half percent market share. The court also took the FCC to task for assigning an equal market share to all outlets of the same media in its Diversity Index; in other words, for assigning the same percentage to all television stations, radio stations, newspapers, etc. within a given market. It wrote, "there is no dispute that the assignment of equal market shares generates absurd results."⁵⁰² It raised the example of the Dutchess Community College station, which

⁵⁰¹ *Prometheus* decision, 124.

⁵⁰² *Prometheus* decision, 70.

received an equal share to stations owned by ABC and a greater weight than the *New York Times*. The court also advised the FCC that, while it revisits its Diversity Index, it solicit public comments on its new schematic to fulfill its procedural obligations and to avoid constructing a similarly flawed system in the future.⁵⁰³

Importantly, the court also rejected the arguments of the representatives of the media industries that the FCC not only went too far with its ownership rules, but that restrictions themselves were unnecessary because of the Justice Department's anti-trust work. According to the court, the FCC "ensures that license transfers serve public interest goals of diversity, competition, and localism, while the antitrust authorities have a different purpose: ensuring that merging companies do not raise prices about competitive levels."⁵⁰⁴ In this sentence, the court reasserted that regulation of the media industries require a fundamentally different set of criteria than regulation of other industries and denied that a competitive marketplace is analogous to a fulfilled public interest.

Many of its decisions, according to the court, were not rooted in logical or rational explanations, were indeed inconsistent, were not based on reliable or thorough evidence, and did not consider fully the implications of the rules on public interest goals. While it upheld the commission's authority and judgment in many arenas, the court required the FCC to reconsider not only its conclusions but also the process by which it came to them. And while the *Prometheus* case was a victory for activists in the practical sense—it remanded a number of the FCC's ownership rules—it was also a symbolic victory, functioning as a check on the commission's power to construct a vision of the media landscape hospitable to media deregulation unmoored in reliable evidence or reasoning.

⁵⁰³ Ibid., 78.

⁵⁰⁴ Ibid., 81.

CONCLUSION

The media ownership battles had taken center stage at the three national media reform conferences organized by Freepress since 2003. The conferences have escalated in attendance, the most recent in Memphis attracting well over 3000 participants. Notably absent from the conferences were representatives of conservative groups. At the recent 2007 conference, I asked one of the Freepress organizers about whether conservatives were welcome and invited to the events. He responded that they were, but that the organizers would not go out of their way to make the conference hospitable to conservative activists. He pointed to that year's keynote speaker, Jane Fonda, as one of the reasons why conservatives may have stayed away. As this chapter has illustrated, however, the battle against relaxed media ownership rules engaged activists across the political spectrum. Liberals and conservatives alike argued that an increasingly consolidated mediascape would threaten the political health of the nation and would contribute to the coarsening of American culture. They also challenged the workings of the FCC, which not only seemed to favor the interests of corporations over the public, but registered its disdain for the public by conducting its review process under a steady cloak of secrecy.

Indeed, the bipartisan coalition exposed fissures within contemporary conservatism itself. Powell, the architect of the new rules, defined himself as a "Reagan-era child,"⁵⁰⁵ and in his approach to deregulation gestured toward the libertarian strand of the modern conservative movement. Both Bozell and Safire noted their own discomfort

⁵⁰⁵ Quoted in "The Reluctant Planner: FCC Chairman Michael Powell on Indecency, Innovation, Consolidation, and Competition," interviewed by Drew Clark, Nick Gillespie, and Jesse Walker, *Reason*, December 2004, 38.

as conservatives of their own advocacy for increased regulation, yet did it anyway. What the media ownership battles illuminate is the limitations, even for conservatives, of free market ideology. When the business under consideration is communications, the economic efficiencies of large-scale corporations lose out to fears over the hegemony of views, political and cultural, that would dominate. Not coincidentally, conservatives' fear of a more consolidated media was linked to its characterization of the media as fundamentally liberal.

By writing millions of letters and emails to the commission, by testifying in front of Congress and the FCC, and by filing a suit in a federal court, activists registered their disapproval not only of the rules themselves, but of the logic of deregulation that they embodied. At issue here was the marketplace approach to regulation, one that reduced publics to consumers and dissipated distinctions between media industries and any old widget businesses. In mounting their attack on the media ownership rules, the activists displaced the public-as-consumer with a public-as-citizen construct and reasserted that the media produce not just profits and audiences but, in the language of Aufderheide, the "instruments of our shared culture." In addition, they retread over familiar discourses of aesthetic hierarchy and quality, displacing the fears over commercial media with anxieties over consolidated media.

Furthermore, the media ownership battles enlisted the culture industries within a more broad-based attack on the escalating power of corporations. At its most basic, the attacks on the ownership rules posited that big media corporations have a negative impact on society—on political discourse, on children, on the creative community, on the imaginations and passions of the public that consumes their texts. In this way, the media ownership fights were part of a wider movement committed to exposing the deleterious effects of large corporations on the most cherished values of society. Similarly, they

were an excoriation of the workings of a government that enabled the expansion of corporate power at the peril of the citizens it is supposed to protect.

Conclusion

This dissertation has examined how social movements have enfolded television reform within their wider efforts for social change. The premise of their campaigns has been that the images and narratives that appear on our television screens have an impact on the ideas that circulate in our culture and on the behaviors performed by our citizens. In television, they have seen an instrument that could repair or exacerbate discrimination, edify or stupefy the citizenry, intensify or reconcile social inequalities, tilt the political inclinations of the polity, and function as either the mouthpiece or the watchdog of the state. By staging campaigns to alter the policies, structure, and programming of television, these activists have engaged television within wider battles to change the direction of social and political life in the United States. Television here is constructed through the social imaginary of reformers, who see within it the hopes and failures of progress and social change.

However, as this dissertation has argued, television reform fights often have been about more than just television itself. The structure of broadcasting in the United States, at the intersection of commerce and regulation, has enabled reformers to use television reform to make larger civil rights claims: to expose their own exclusion from the body politic and to argue for their inclusion within it. Drawing on the central role of the “public” within broadcasting policy, they have centered their rhetorical appeals on expanding the definition of who constitutes the broadcasting public while they simultaneously have argued that they have been omitted from it. In other words, the reformers in this dissertation both assert their membership within the public, while they maintain that they have been marginalized and had their civic rights denied. In the

context of media reform battles, the performance of public-ness has involved situating themselves both within and without the broadcasting public. The activists have challenged the institutional definition of the public and, in the process, have opened it up to include their own needs and goals.

Furthermore, this definition of the public differs drastically from how the activists in this dissertation construct television's audience. As the case studies have illustrated, television activists consistently have imagined television audiences are uncritical consumers, passively accepting the images and ideas that pass over their screens. This view assumes a monolithic audience whose values and views of the world are shaped by the texts that they consume. Indeed, it is this construction of the audience that has lent an urgency to the reformers' campaigns. For them, television is a crucial battleground because of its tremendous power over its audiences. To be sure, the audience referred to by the reformers is an imagined entity, one that does not reflect actual behaviors, but rather reformers' projections of how audiences behave. Yet this is a discourse that continually animates television reform campaigns and, as such, reinforces a view of television audiences as disempowered and passive. This construction stands in marked contrast to the active citizens of the campaigns themselves, and to the performance of public-ness that is often at the heart of their rhetorical strategies.

At its base, this dissertation also has aimed to expand our understanding of production and reception of popular culture to include considerations of regulation, policy, and reform. The audience of television is not only consumers, but also citizens who lay legal claim to the culture industries who serve them. In this, this dissertation has enlarged the lens we use to examine resistance to popular culture by looking at how activists have used political processes to transform cultural texts that play such a huge role in our lives. Furthermore, the structure and regulation of broadcasting also has

shaped how members of the public have viewed not only their relationship to the medium, but the function of the texts themselves.

In the process, I also have tried to illuminate the messiness and contradictions embodied in constructions of the state, the industry, and the public. At various moments, Congress, the FCC, and the courts have been at odds over the interpretation of statute, the rights of the public, and the protections to be afforded to the broadcasting industry. The FCC itself often has been a divided agency, as commissioners stridently have disagreed over how what its mandate is and how best to fill it. The industry has both courted and shunned regulation and has acted as an ally and an adversary to the reformers who have tried to change its practices. Perhaps most importantly, this dissertation has documented the variations amongst reformers themselves. Not only have activists employed different strategies, but they have imagined the “problem” of television and the medium’s social role in disparate ways.

DOES TELEVISION REFORM MATTER?

One of the questions that I have been asked repeatedly as I have worked on this project is the extent to which television reform battles actually have changed television. If the goals of activists have been to engender a television system that has myriad and responsible representations of women and minorities, includes a vibrant alternative to commercial broadcasting that airs experimental and high quality programming, broadcasts substantive and thorough newscasts, then does the current state of television indicate the failure of these efforts? Are the media corporations so powerful, and their federal regulators so complicit, that actual meaningful reform is rendered infeasible? In short, given the history I have charted in these pages, have activists played a significant role in the development of American television?

Another way of looking at this issue is to ask to what extent have television reformers actually challenged the machinations of the broadcasting industry. Streeter suggests that the tenets of corporate liberalism have guided how policymakers have structured the development of broadcasting policy. One of the questions that has stayed with me throughout my research on this project is whether, and to what extent, the reformers under discussion here have operated outside of the principles and logic of corporate liberalism. Indeed, one of the criticisms of television reform activism is that the activists themselves have legitimated the structural and ideological underpinnings of American broadcasting. Chon Noriega argues that when, for example, activists in the 1970s filed petitions-to-deny the license renewals of broadcasters, they were working within the system for change and, in the process, reifying the system itself. For Noriega, these activists were not posing any meaningful challenge to the practices of American broadcasters.⁵⁰⁶ Instead, as they used the openings available to them, they implicitly accepted and naturalized the marginal place that broadcasters and broadcasting policy had carved for members of the public. As the chapters of this dissertation have attested, this criticism is completely valid. In mounting their reform campaigns, the activists under discussion here uniformly have accepted the contours of a broadcasting system primarily under the control of private media corporations. Their efforts have not sought to overhaul the system nor fundamentally to rethink who should have control over the airwaves.

In some sense, and from this perspective, this dissertation charts a declension narrative. Though reformers have contributed to how we think about television and television's public, their gains in changing the material conditions of broadcasting can

⁵⁰⁶ Chon Noriega, *Shot in America: Television, the State, and the Rise of Chicano Cinema* (Minneapolis: University of Minnesota Press, 2000), 64.

best be characterized as modest. As Streeter points out, though Congress has retained public ownership of the airwaves, the broadcasting license practically has functioned as the bestowal of private property rights to broadcasters. The revocation or denial of renewal of a license has been an exceptionally rare occurrence in the history of broadcasting, and licensees typically have laid exclusive claim to access over the airwaves.⁵⁰⁷ Indeed, even the successes of reformers have been short-lived or contained. The petitioners in the WLBT case successfully expanded the rights of citizens to participate in broadcasting policy and, through the courts, denied license renewal to the station owners of WLBT. However, despite the flurry of activism that followed the decision, the gains of reformers often were to politicize the content of television programming and mobilize supporters to see television as part of wider social movements. Very few licenses were revoked and within a decade activists all but ceased to file petitions with the FCC. Though petitioners in the *Prometheus* case were able to stay the FCC's new ownership rules, it is likely that in the the FCC will continue on the path of media deregulation. Though public television has survived numerous attacks for the political right, it increasingly relies on corporate financing and the distinction between commercial and public broadcasting gradually has become harder to define.

I would like to posit two retorts to this declension narrative. Though activists on the political left have seen short-lived gains, conservative reformers have had much more success. *Red Channels* cast a shadow on the development of television and effectively functioned as a blacklist during the cold war. While the MRC continues to claim that conservatives are unfairly maligned and victimized by newscasts, telecasts on both commercial and public broadcasting have increased the number of conservative

⁵⁰⁷ Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996), 231.

perspectives on their shows. Indeed, as two studies from 2006 illustrate, the number of conservative and Republican viewpoints on Sunday morning talk shows and on the *Jim Lehrer Newshour* outnumber those of liberals or Democrats.⁵⁰⁸ The work of the Parents Television Council to counter broadcast indecency has resulted in legislation to raise indecency fines on broadcasters ten-fold. The libertarian free market discourse continues to animate discussions of broadcasting policy and to bolster arguments for further deregulation. If the history of television reform activism reads like a failure, it is because it is told from the perspective of activists on the political left. For activists on the right, the gains have been much more tangible.

Second, this dissertation at its core has sought to ask a different question. For Noriega and others, the issue has been to what extent social movements have challenged, in a fundamental and meaningful way, the structure and ideological premises of American broadcasting. To rephrase, what have social movements done for substantive media reform? The focus of this dissertation, however, has been on what media reform has done for social movements. A central argument of this dissertation is that television reform campaigns always have been about more than changing the practices and policies of broadcasters. The starting point for these activists has not been that something is terribly wrong with our media institutions, but that something is wrong with American society. For reformers, television is implicated in the problem, its reform tied to the solution. The goal here has not been to argue that these television reform fights radically have transformed American television, but to illustrate how twentieth century social movements continually have enlisted television reform campaigns as part of their wider

⁵⁰⁸ “Study Finds Lack of Balance, Diversity, Public at PBS NewsHour,” Action Alert, Fairness and Accuracy in Reporting, 4 October 2006. <http://www.fair.org/index.php?page=2971>; “If It’s Sunday, It’s Conservative: An Analysis of the Sunday Talk Show Guests on ABC, CBS, and NBC 1997-2005,” A Report by Media Matters, available at: http://mediamatters.org/static/pdf/MMFA_Sunday_Show_Report.pdf.

social justice goals. As reform efforts have waged legal and political fights, this dissertation foregrounds the battles over cultural expression and mediated images as a central part of American reform movements in the twentieth century. In this, the purpose is to complicate the history of twentieth century reform and to illustrate the deep intersections between social movements and media reform.

Appendix

Overview of Major American Broadcasting Policy Decisions

1899	Guglielmo Marconi arrives in New York to demonstrate his wireless telegraph invention.
1912	Congress passes Radio Act of 1912 which gives the Commerce Department the power to assign frequencies and to license radio operators. This act marks the first time that the federal government exerted its authority over wireless communication and crafted a policy that ranked how it was to be used.
1922-25	Commerce Secretary Herbert Hoover holds four National Radio Conferences which brings together individuals representing the interests of the government, technicians (scientists and engineers), and representatives of the radio industry to map out a policy for broadcasting.
1927	Congress passes Radio Act of 1927 which establishes the Federal Radio Commission (FRC) to allocate broadcasting licenses to applicants best capable of serving the “public interest, convenience, and necessity.”
1934	Congress passes Federal Communications Act, establishes Federal Communications Commission (FCC).
1941	<p>FCC issues <i>Report on Chain Broadcasting</i> that outlines restrictions and modifications on the network-affiliate relationship.</p> <p>FCC passes the Mayflower Doctrine which prohibits broadcasters from editorializing on the air.</p> <p>FCC establishes restrictions on radio station ownership.</p>
1943	Supreme Court rules in <i>National Broadcasting Co. v. United States</i> that the FCC has the power to regulate radio networks,

and affirms that the scarcity of the spectrum legitimates the public interest responsibilities imposed on broadcasters.

- 1946** FCC issues its “Blue Book,” *Public Service Responsibilities of Broadcasters* that defines for broadcasters how the FCC would ascertain whether license renewal applicants had fulfilled their public interest obligations.
- 1949** FCC establishes the Fairness Doctrine which imposes an affirmative obligation on broadcasters to air controversial issues and to provide time to both sides of the issue.
- 1952** FCC issues its *Sixth Order and Report*, ending the four year freeze on licensing television stations. The Commission approves licensing stations in both the Very High Frequency (VHF) and Ultra High Frequency (UHF) bandwidths. It also reserves 242 licenses for noncommercial, educational broadcasters.
- 1956** FCC implements its 7-7-7 rule, which prohibits a single entity from owning more than seven AM stations, seven FM stations, and seven television stations nationally.
- 1960** FCC issues *Programming Policy Statement* which outlines 14 elements necessary for broadcasters to fulfill their public interest obligations. It also requires broadcasters to ascertain the needs of the communities they serve.
- 1961** Chairman Newton Minow addresses the National Association of Broadcasters and calls for broadcasters to live up to their public service responsibilities. In this speech, he famously refers to television as a “vast wasteland.”
- 1962** Congress passes the All-Channel Receiver Act and the Educational Television Facilities Act. The first act requires television set manufacturers to produce television sets that can receive both VHF and UHF signals. The second act allocates federal money to states to establish or enhance educational broadcasting services.

FCC decides that the Fairness Doctrine can apply to advertising, a decision affirmed by the U.S. District Court. The

expansion of the Fairness Doctrine results from a complaint filed by John Banzhaf III against CBS's New York stations who requested airtime, under the Fairness Doctrine, to respond to claims in cigarette ads.

FCC passes the Anti-Trafficking Rule which requires owners to wait three years before they can sell a station.

- 1966** U.S. District Court rules on *Office of Communication of United Church of Christ vs. Federal Communications Commission*. The case provides members of the public legal standing to participate in broadcast license renewal hearings.
- 1967** Congress passes the Public Broadcasting Act which creates the Corporation for Public Broadcasting, a private nonprofit corporation to promote public broadcasting.
- 1969** Supreme Court, in *Red Lion Broadcasting v. Federal Communications Commission*, upholds the Fairness Doctrine.
- 1970** FCC establishes the Prime Time Access Rule (PTAR) and the Financing and Syndication Rule (Fin-Syn). The PTAR restricted stations to 3 hours of network programming during prime-time, in the hopes that that the fourth hour would be filled by local programming. Fin-Syn forbade networks from having a financial interest in, and domestic syndication rights for, its entertainment programming.
- 1975** FCC bans cross-ownership of broadcasting stations and newspapers.
- 1978** Supreme Court rules in favor of the FCC in *Federal Communications Commission v. Pacifica Foundation* that the FCC has the authority to determine what constitutes indecency and to prohibit indecent broadcasts during periods when children are likely to be a part of the broadcasting audience.
- FCC establishes policies to favor minority ownership of broadcasting stations.
- 1981** FCC replaces the license renewal process, which had required a detailed report, with a "postcard renewal process."

- 1982** FCC extends terms of broadcasting licenses, which previously had been set at three years. Radio broadcasters' license terms are raised to seven years, television broadcasters to five years.
- 1984** FCC eliminates the Anti-Trafficking Rule.
- FCC raises the 7-7-7 ownership rule to a 12-12-12 rule.
- Supreme Court rules in *Federal Communications Commission v. League of Women Voters* that the amendment to the Public Broadcasting Act which forbids editorializing on a noncommercial station violates the First Amendment. This ruling is the first time the Court finds a broadcasting regulation to be unconstitutional.
- 1985** FCC eliminates the numerical cap on television station ownership and replaces with an "audience reach" limit. The limit holds that no entity can own television stations that reach more than 25 percent of that national television audience.
- 1987** FCC repeals the Fairness Doctrine. Congress passes a bill to legislate the Fairness Doctrine which is vetoed by President Reagan.
- 1990** Congress passes the Children's Television Act which requires broadcasters to air at least three hours of educational programming per week and places limits on advertising during children's programming.
- 1995** Fin-Syn Rule and the Prime Time Access Rule are eliminated entirely.
- 1996** Congress passes the Telecommunications Act.

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Vita

Allison Perlman was born on October 27, 1975 in Washington D.C. to Alan Perlman and Nancy Zivitz. She received a Bachelor of Arts degree in American Studies from Wesleyan University in 1997 and a Master of Arts degree in American Studies from the University of Texas at Austin in 2000. Before attending graduate school, she worked for the Putnam Berkeley Publishing House.

Permanent address: 2211 Rountree Drive, Austin, Texas 78722

This dissertation was typed by Allison Perlman